



## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608

(510) 596-4300 phone  
(510) 450-7831 fax

[www.emeryville.org](http://www.emeryville.org)

#### Members:

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

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Tuesday, June 6, 2017

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER AND COUNCIL MEMBER OATH AND SONG

The meeting was called to order at 8:37 p.m.

#### 2. ROLL CALL

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

#### 3. APPROVAL OF FINAL AGENDA

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

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

#### 4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2017-372](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming The Month Of June 2017 As "Healthy Homes Month" In The City Of Emeryville. (Vice Mayor John Bauters)

**Attachments:** [Proclamation](#)

[Attachment: Planning Guide To Healthy Homes Month](#)

Larry Brooks, Director of the Alameda County Healthy Homes department, was present to accept the proclamation and made brief remarks.

PUBLIC COMMENT

1. Andre Carpiaux spoke about the environment.

## 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Sheri Hartz gave a brief report on current and upcoming vacancies on City advisory bodies.

## 6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS

Council Member Martinez announced the activities of several youth services provided by the City including summer camp at ECCL and the aquatics program.

Vice Mayor Bauters announced an upcoming free live scan event sponsored by BOSS (Building Opportunities for Self-Sufficiency) that would be an opportunity for persons to obtain their rap sheets for free and gave the location and time information. He also announced that June was Pride Month asked for a proclamation for on June 20th.

## 7. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

There were no comments made.

## 8. CITY MANAGER'S REPORT

No report was given.

## 9. EX PARTE COMMUNICATIONS

Each of the Council Members reported having been in contact with Jennifer Lin from EBASE.

## 10. CONSENT ITEMS

### ***Approval of the Consent Agenda***

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

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

- 10.1.**     [ID-2017-370](#)   Warrants. (Susan Hsieh)

**Attachments:** [Staff Report City](#)  
[Wire Transfers City](#)  
[Check Register City](#)

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

- 10.2.**     [ID-2017-353](#)   Action Minutes of the May 16, 2017 Emeryville City Council/City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency/Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

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

- 10.3.**     [ID-2017-356](#)   Action Minutes of the May 16, 2017 City Council Special Study Session. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

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

- 10.4.**     [ID-2017-358](#)   Action Minutes of the May 16, 2017 Emeryville City Council Regular Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

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

- 10.5. [ID-2017-347](#) Resolution Of The City Council Of The City Of Emeryville Appropriating \$112,800 From The Housing Asset Fund (Fund 298) To The Fiscal Year 2016-2017 Capital Improvement Program Budget For The 3706 San Pablo Avenue Housing Project (Project No. 11468003) For Construction Administration And Authorizing The City Manager To Execute A Professional Services Agreement With Robert G. Haun For Construction Monitoring Services For The 3706 San Pablo Avenue Affordable Housing Project For An Amount Not To Exceed \$112,800 (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit A - Professional Services Agreement](#)  
[APPROVED Resolution No. 17-74](#)

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

Enactment No: 17-74

- 10.6. [ID-2017-360](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Execution Of The State Of California Standard Agreement For The Affordable Housing And Sustainable Communities Grant Program For The 3706 San Pablo Avenue Affordable Housing Project (Charles S. Bryant / Chadrick Smalley)

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[APPROVED Resolution No. 17-75](#)

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

Enactment No: 17-75

- 10.7. [ID-2017-352](#) 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 New Image Landscape Company, Increasing The Contract Amount By \$15,000 To An Amount Not To Exceed \$163,018.03 For City-Wide Landscape Maintenance For Fiscal Year 2016/17. (Maurice Kaufman / Andrew Clough)

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Contract](#)  
[APPROVED Resolution No. 17-76](#)

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

Enactment No: 17-76

- 10.8.**     [ID-2017-342](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With West Coast Code Consultants, Inc. In An Amount Not To Exceed \$500,000 for Public Works Construction Inspection Services Required For Various Capital Improvement Program And Encroachment Permit/Stormwater Permit Projects For Fiscal Year 2017-2018 (Andrew Clough)

**Attachments:** [Staff Report](#)

[Resolution](#)

[Agreement](#)

[APPROVED Resolution No. 17-77](#)

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

Enactment No: 17-77

## **11. PUBLIC HEARINGS**

There were no Public Hearings listed for this agenda.

## **12. ACTION ITEMS**

**12.1.**     [ID-2017-348](#)     Update On Fair Workweek Implementation; And

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Agreement With The Labor Compliance Managers In An Amount Not To Exceed \$150,336 For Assistance With Enforcement And Administration Of City Labor Standards Ordinances (Charles S. Bryant / Chadrick Smalley / April Shabazz)

**Attachments:** [Staff Report](#)

[Resolution](#)

[Exhibit A - Professional Services Agreement](#)

[Public Comment - RILA and CRA Letter. Request Stay.Dated 060517](#)

Management Analyst April Shabazz gave the staff presentation and responded to Council questions.

**PUBLIC COMMENT**

1. Andre Carpiaux asked whether the expenditure had been approved by the voters.

2. Jennifer Lin, EBASE (East Bay Alliance for a Sustainable Economy), stated that any consultants needed to be held to best practices and listed examples of what should be required. Regarding rulemaking, she stated that she hoped all sides of the issue would be included in the discussions. She concluded by asking for oversight from the Council.

3. Lin Robertson, of Labor Compliance Managers, stated that everything mentioned by the previous speaker was standard practice for her organization.

4. Kate Karniouchina, Mills College, stated that, before Mills could begin to do its work, the enforcement piece needed to be finalized. She asked that the Council consider adjusting the timing.

5. Andre Carpiaux spoke regarding inequities between an employee and an employer.

Council Member Martinez asked whether Council would consider lengthening the timeline for enforcement beyond a July 1st effective date, deferring to staff for guidance on when that should be. Staff was directed to come back with a revised timeline at Council's June 20th meeting.

Enactment No: 17-78

- 12.2.**     [ID-2017-359](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing A Contribution of \$16,867 to the Gilman Fields Joint Powers Authority for Turf Replacement Project FY2018 And Appropriating \$16,867 From The General Fund to Fund 5460-88900. (Pedro Jimenez)

**Attachments:** [Staff Report](#)

[Resolution](#)

[Attachment: City of Berkeley Memo](#)

Community Services Director Pedro Jimenez gave the staff presentation and responded to Council questions.

Mayor Donanue made and then withdrew a motion to approve. Following Council discussion, no action was taken on the item.

## **13. COMMUNICATION AND REPORTS**

### ***13.1. Department Heads***

**13.1.1. [ID-2017-345](#)** Planning Director's report on Planning Commission actions at the May 25, 2017 meeting:

(a) Sherwin Williams Subdivision Map - Consideration of a Major Subdivision permit to reconfigure an existing 8.55 acre parcel to create five building parcels, five open space parcels, and two roads, Hubbard Street extension and new 46th Street, consistent with the Sherwin Williams Project Planned Unit Development that was approved by the City Council on November 1, 2016. \*

(b) Avalon Public Market Signs - Consideration of a Major Sign Permit for Avalon Public Market signs for the residential project currently under construction on "Parcel D" at 6301 Shellmound Street. \*

(c) New Seasons Market Signs - Consideration of a Major Sign Permit for New Seasons Market signs at 6201 Shellmound Street. \*\*

(d) Redevelopment of Properties at 3600, 3610, and 3620 San Pablo Avenue - A study session to consider three development scenarios including supportive housing, low-income affordable housing, and mixed income family housing on a 0.39 acre site that the City of Emeryville is considering for redevelopment.

\* 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.

\*\* Item was continued to a future meeting.

The packet for the May 25, 2017 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Director Bryant gave the Director's Report.



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

Council Member Martinez reported that East Bay Community Choice Energy was still in the process of looking for a CEO and had not yet seated its advisory committee.

Council Member Patz reported that he had attended the Fire Department Commission meeting as an alternate to Council Member Martinez and that projected budgets were discussed.

Council Member Medina reported that she had attended the B/PAC meeting as its Council Member liaison, stating that the Committee would like to increase their membership to 9, and asked that applicants with ADA and pedestrian experience be prioritized when appointments were made.

**14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

Council Member Medina requested that an item be added to the June 20th agenda to increase B/PAC membership.

Mayor Donahue initially requested the addition of an item regarding limited equity live work housing to a future agenda, but withdrew the request so that he could do further research on his request.

Vice Mayor Bauters requested a study session be added in the fall to discuss planning for 2018 CIP submissions to ACTC (Alameda County Transportation Commission), with the goal of amending the model for how they allocate funding to Emeryville.

**15. ADJOURNMENT**

The meeting adjourned at 10:02 p.m. and the Council went back into Closed Session.

**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