



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608

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

www.emeryville.org

CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

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

Tuesday, June 20, 2017

7:16 PM

Council Chambers

1. CALL TO ORDER AND COUNCIL MEMBER OATH AND SONG

The meeting was called to order at 9:16 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 Vice Mayor Bauters, seconded by Council Member Martinez, 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-2017-435](#) Proclamation Of The City Council Of The City Of Emeryville Recognizing June As LGBT Pride Month In The City Of Emeryville. (Vice Mayor John Bauters)

Attachments: [Proclamation](#)

Joe Greaves and James Chang, representatives from the East Bay Stonewall Democratic Club, were present to accept the Proclamation.

- 4.2. [ID-2017-439](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming The Month Of July 2017 As "Parks Make Life Better!" In

The City Of Emeryville. (Pedro Jimenez)

Attachments: [Proclamation](#)

The Mayor read the proclamation aloud.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

There was no report.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS

Council Member Martinez reported that she and Vice Mayor Bauters had participated, along with Police Chief Tejada, in the Special Olympics torch run.

Council Member Medina recommended safe shoes and public transport for those attending the upcoming San Francisco LGBT pride parade.

Council Member Patz announced that Council policyies do have a positive impact, as evidenced by a neighbor's vacation rental being converted to a rental unit, thereby adding one residence to the housing stock.

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

1. Andre Carpiaux spoke about his previous business associate.
2. Nancy Humphrey announced the upcoming bike share ribbon cutting ceremony.

8. CITY MANAGER'S REPORT

There was no report given.

9. EX PARTE COMMUNICATIONS

Council Member Martinez reported on her contacts with Jennifer Lin, EBASE. Vice Mayor Bauters reported having contact with Betsy Cooley regarding the PBID assessment item.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Martinez, seconded by Council Member Medina, 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-2017-418](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

- 10.2. [ID-2017-417](#) Action Minutes of the May 16, 2017 Emeryville City Council/Planning Commission Special Joint Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2017-401](#) Action Minutes of the June 6, 2107 City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2017-403](#) Action Minutes of the June 6, 2017 Emeryville City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2017-383](#) Resolution Of The City Council Of The City Of Emeryville Adopting A Policy On The Delegation Of Authority Regarding Claims And Actions Against The City Of Emeryville And Claims And Actions Of The City Of Emeryville; And Rescinding Resolution No. 13-154. (Michael Guina)

Attachments: [Staff Report](#)
[Resolution](#)
[APPROVED Resolution No. 17-89](#)

A motion was made to approve this Resolution.

Enactment No: 17-89

- 10.6. [ID-2017-406](#) Resolution Of The City Council Of The City Of Emeryville Transferring The Corporation Yard Real Property Asset Located At 5679 Horton Street To The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Pursuant To California Health & Safety Code Section 34167.5. (Michael Guina) (In Conjunction With Successor Agency Item 5.4.)

Attachments: [Staff Report](#)

[Resolution](#)

[APPROVED Resolution No. 17-90](#)

A motion was made to approve this Resolution.

Enactment No: 17-90

- 10.7.** [ID-2017-422](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Annual Statement Of Investment Policy And Delegation Of Authority To The Treasurer (Susan Hsieh)

Attachments: [Staff Report](#)

[Resolution](#)

[Draft Statement of Investment Policy](#)

[Statement of Investment Policy - Clean Version](#)

[APPROVED Resolution No. 17-91](#)

Resolution this accept.

Enactment No: 17-91

- 10.8.** [ID-2017-404](#) Resolution Of The City Council Of The City Of Emeryville Accepting A Donation In The Amount Of \$10,000 From The Wareham Property Group To The City Of Emeryville Police Department To Subsidize The Purchase Of Automated External Defibrillators (AED) And Appropriating Said Funds When Received To Account 254-62600 (Oliver Collins)

Attachments: [Staff Report](#)

[Resolution](#)

[Civil Code Section 1714.21](#)

[AED Law Chapter 1.8 Civil Code](#)

[APPROVED Resolution No. 17-92](#)

A motion was made to approve this Resolution.

Enactment No: 17-92

- 10.9.** [ID-2017-388](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Alameda County Fire Department Agreement To Extend Fire And Emergency Response Services (Cindy Montero)

Attachments: [Staff Report](#)
[Resolution](#)
[First Amendment Fire Service Agreement](#)
[Original Contract with Alameda County Fire](#)
[APPROVED Resolution No. 17-93](#)

A motion was made to approve this Resolution.

Enactment No: 17-93

- 10.10.** [ID-2017-349](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Fiscal Year 2017/18 Living Wage Rate Pursuant To The City Of Emeryville's Living Wage Ordinance, Chapter 31 Of Title 5 Of The Emeryville Municipal Code. (Lisa Lopez)

Attachments: [Staff Report](#)
[Resolution](#)
[APPROVED Resolution No. 17-94](#)

A motion was made to approve this Resolution.

Enactment No: 17-94

- 10.11.** [ID-2017-378](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To File An Application For Funding Assigned To The Metropolitan Transportation Commission, Committing Any Necessary Matching Funds, And Assuring Completion Of The Frontage Road, 65th Street, And Powell Street Slurry Seal Project (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Resolution](#)
[APPROVED Resolution No. 17-95](#)

A motion was made to approve this Resolution.

Enactment No: 17-95

- 10.12.** [ID-2017-379](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Agreement With Townsend Public Affairs, Inc. To Provide Federal And State Lobbying Services For An Amount Not To Exceed \$90,000 For Fiscal Year 2017-18 (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Professional Services Agreement](#)
[APPROVED Resolution No. 17-96](#)

A motion was made to approve this Resolution.

Enactment No: 17-96

- 10.13.** [ID-2017-380](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Continued Participation Of The City Of Emeryville In The Alameda County Urban County For Community Development Block Grant Funds And Authorizing The Execution Of The Cooperation Agreement Between The City And County Of Alameda Regarding Participation In The Alameda County Urban County For Community Block Grant Program Funds (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)
[Resolution](#)
[Cooperative Agreement FY 18-20](#)
[APPROVED Resolution No. 17-97](#)

A motion was made to approve this Resolution.

Enactment No: 17-97

- 10.14.** [ID-2017-381](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Funding Agreement With Emeryville Citizens Assistance Program (ECAP) In The Amount Of \$66,884.88 To Support Food And Clothing Distribution To The Homeless And Near-Homeless For Fiscal Year 2017-18 (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)
[Resolution](#)
[Attachment 2 - Funding Agreement](#)
[Attachment 3 - ECAP Final Report FY 16-17](#)
[Attachment 4 - ECAP Grant Request FY 17-18](#)
[APPROVED Resolution No. 17-98](#)

A motion was made to approve this Resolution.

Enactment No: 17-98

- 10.15.** [ID-2017-343](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Maintenance Contract With DC Electric Group, Inc. In An Amount Not To Exceed

\$152,898.04 For The Maintenance And Repair Of Traffic Signals, Streetlights And Safety Lighting For Fiscal Year 2017-2018 (Maurice Kaufman)

Attachments: [Staff Report](#)

[Resolution](#)

[Maintenance Contract](#)

[Exhibit A B C to Maintenance Contract](#)

[APPROVED Resolution No. 17-99](#)

A motion was made to approve this Resolution.

Enactment No: 17-99

- 10.16.** [ID-2017-363](#) 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 \$60,000 For Plan Check Services Related To Compliance With Provision C3 Of The Municipal Regional Permit Issued By The Regional Water Quality Control Board For Various Projects Within The City For Fiscal Year 2017-18. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)

[Resolution](#)

[WC3 PSA](#)

[APPROVED Resolution No. 17-100](#)

A motion was made to approve this Resolution.

Enactment No: 17-100

- 10.17.** [ID-2017-364](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With OTG EnviroEngineering Solutions, Inc. In An Amount Not To Exceed \$175,486 For Environmental Work At Three Sites Required By The Alameda County Department Of Environmental Health (ACDEH). (Andrea Clough / Nancy Humphrey)

Attachments: [Staff Report](#)

[Resolution](#)

[Professional Services Agreement](#)

[APPROVED Resolution No. 17-101](#)

A motion was made to approve this Resolution.

Enactment No: 17-101

- 10.18. [ID-2017-393](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With Integrity Construction Maintenance, Inc., In An Amount Not To Exceed \$211,758.68 For Janitorial Services For Fiscal Year 2017-18. (Andrew Clough)

Attachments: [Staff Report](#)

[Resolution](#)

[Agreement](#)

[Exhibits A and B](#)

[APPROVED Resolution No. 17-102](#)

A motion was made to approve this Resolution.

Enactment No: 17-102

- 10.19. [ID-2017-394](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Service Agreement With Integrity Construction Maintenance, Inc. In An Amount Not To Exceed \$355,000 For Facilities Maintenance Of City Owned Buildings For Fiscal Year 2017-18. (Andrew Clough)

Attachments: [Staff Report](#)

[Resolution](#)

[Contract](#)

[APPROVED Resolution No. 17-103](#)

A motion was made to approve this Resolution.

Enactment No: 17-103

- 10.20. [ID-2017-395](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Service Agreement With Matrix HG, Inc., In An Amount Not To Exceed \$98,471 For HVAC Maintenance Of City Owned Facilities For Fiscal Year 2017-18. (Andrew Clough)

Attachments: [Staff Report](#)

[Resolution](#)

[Contract](#)

[APPROVED Resolution No. 17-104](#)

A motion was made to approve this Resolution.

Enactment No: 17-104

11. PUBLIC HEARINGS

- 11.1. [ID-2017-429](#) Resolution Of The City Council Of The City Of Emeryville Amending

The City Of Emeryville Master Fee Schedule For Fiscal Year 2017-18
Effective On July 3, 2017
(Susan Hsieh)

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A: Proposed Master Fee Schedule](#)
[APPROVED Resolution No. 17-105](#)

Finance Manager Susan Hsieh gave a brief presentation. Community Services Director Jimenez provided information regarding fee increases in his department.

PUBLIC HEARING OPEN: 9:34 p.m.

There being no public testimony, the Public Hearing was closed at 9:34 p.m.

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

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

Enactment No: 17-105

- 11.2.** [ID-2017-366](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2017-18 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 Budget Submitted By The Emeryville Transportation Management Association (TMA) For Service Year 2018 (Cindy Montero)

Attachments: [Staff Report](#)
[Resolution](#)
[2018 Prelim Budget](#)
[ETMA Final Audit 2016](#)
[2014-2016 Ridership Comparison Report](#)
[FY 2017-18 Prelim Assessment Levy](#)
[APPROVED Resolution No. 17-106](#)

Assistant City Manager Cindy Montero made a brief presentation and Vice Mayor Bauters provided his comments and research on assesement payment delinquency.

PUBLIC HEARING OPEN: 9:36 p.m.

There being no public testimony, the Public Hearing was closed at 9:36 p.m.

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

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

Enactment No: 17-106

12. ACTION ITEMS

- 12.1. [ID-2017-369](#) Introduction And First Reading Of An Ordinance Of The City Of Emeryville Repealing And Replacing Chapter 2 Of Title 4 Of The Emeryville Municipal Code, "Emergency Plans"; CEQA Determination: Exempt Pursuant To Section 15061(b)(3) Of The California CEQA Guidelines. (Andrea Visveshwara / Lori Elephant)

Attachments: [Staff Report](#)

[Attachment 1: Ordinance](#)

[Attachment 2: Redlined Ordinance](#)

City Attorney Michael was present but no staff report was requested.

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

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

A motion was made by Council Member Martinez, seconded by Council Member Patz, to approve first reading and introduction of this Ordinance. The motion carried by the following vote:

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

- 12.2. [ID-2017-284](#) Appointment Of Standby Officers For Council Member Succession In The Event Of A Declared Emergency. (Sheri Hartz)

Attachments: [Staff Report](#)

City Clerk Sheri Hartz gave a staff report and responded to Council questions. The Council requested that a list be developed from interested members of the City's advisory bodies.

- 12.3. [ID-2017-436](#) Fair Workweek Ordinance: Regulations and Enforcement (Charles S. Bryant / Chadrick Smalley / April Shabazz)

Attachments: [Staff Report](#)

[Press Release: Secure Scheduling Final Rules](#)

[Public Comment: EBASE / ACCE / CPD Email](#)

City Attorney Michael Guina gave the staff report, outlining the timeline for implementation and received Council direction.

- 12.4. [ID-2017-361](#) City Council Discussion and Direction of City/School Committee Mission Prior To Item Going On The City/School Agenda In July (Pedro Jimenez)

Attachments: [Staff Report](#)

[Current City-School Rules and Procedures FINAL- updated 3-2-17](#)

Community Services Director Jimenez introduced the item and discussed scheduling of the next City/Schools Committee meeting. Council Member Martinez stated her interest in bringing this item forward was to define whether the City still had an interest in participating in this effort.

Council direction was to find areas of shared interest, such as waste stream management and campus safety, and to continue the relationship.

- 12.5. [ID-2017-390](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Service Agreement With Rubicon Enterprises Inc., DBA Rubicon Landscape In An Amount Not To Exceed \$209,536 For City-Wide Landscape Maintenance For Fiscal Year 2017-18. (Andrew Clough)

Attachments: [Staff Report](#)

[Resolution](#)

[Letter from New Image](#)

[Staff Review Memo](#)

[Contract](#)

[APPROVED Resolution No. 17-107](#)

No staff report was requested.

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

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

Enactment No: 17-107

- 12.6. [ID-2017-441](#) Council Discussion On Whether To Approve In Concept The Appropriation Of Funds Toward A School Board Audit Of The Emeryville Center For Community Life (ECCL) Project. (Council Member Christian Patz / Sheri Hartz)

Attachments: [Staff Report](#)

Council Member Patz introduced the item, stating that he had requested that it be on the agenda.

PUBLIC COMMENT:

1. Bill Reuter spoke in favor of the audit being performed.
2. Ruth Major spoke in favor of an audit and the legal requirement that school districts are bound by.

A motion was made by Council Member Patz, seconded by Mayor Donahue, to approve in concept the appropriation of funds toward an EUSD audit of the ECCL project, in an amount not to exceed \$20,000. The motion carried by the following vote:

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

13. COMMUNICATION AND REPORTS

13.1. Department Heads

13.2. Council Members Reporting on Meetings Attended

Council Member Martinez reported that she had attended the cannabis forum.

Vice Mayor Bauters reported that he had attended a meeting of the newly formed North County Homelessness Leadership task force, where discussions on use of Measure A1 funds were scheduled for future meetings.

Mayor Donahue reported that he had attended the East Bay Community Choice Energy meeting as the alternate for Council Member Martinez, and heard a report about a San Leandro company working to manage power being generated within their city.

Council Member Patz stated that the Alameda County Housing Authority was struggling, and that HUD was underfunded, which had gotten worse during the Trump administration. He said they were looking for ways to provide sustainable housing, such as pods.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

There were no items requested.

15. ADJOURNMENT

The meeting adjourned at 10:58 p.m., and Council returned to 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