



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:

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

AMENDED

Tuesday, June 19, 2018

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 9:32 p.m.

2. ROLL CALL

Present: 4 - Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Absent: 1 - Council Member Christian R. Patz

3. APPROVAL OF FINAL AGENDA

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

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Patz

4. SPECIAL ORDERS OF THE DAY

4.1. [ID-2018-349](#) Presentation: Elder Abuse Awareness Month Recognition

Present to make brief remarks about the work being done to protect elders were Jason Sjoberg, Deputy District Attorney on behalf of the D.A.'s office, and Mario Suarez, a supervisor with Adult Protective Services.

4.2. [ID-2018-348](#) Proclamation Of The City Council Of The City Of Emeryville

Proclaiming The Month Of July 2018 As "Parks Make Life Better!" In The City Of Emeryville. (Pedro Jimenez)

Attachments: [Proclamation](#)

Community Services Director Pedro Jimenez was present to receive the proclamation.

- 4.3. [ID-2018-370](#) Proclamation: In Appreciation Of City Manager Carolyn Lehr On The Occasion Of Her Retirement As City Manager Of The City Of Emeryville.

Mayor Bauters read the proclamation aloud and presented it to City Manager Lehr, who made remarks in appreciation.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the upcoming interviews and annual appointments.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

There were no reports given.

7. CITY MANAGER'S REPORT

City Manager Lehr announced that Acting Public Works Director Andrew Clough would become the permanent Director as of July 1, 2018.

8. EX PARTE COMMUNICATIONS

Each of the Council Members disclosed that they had communicated with the City's consultant, Niccolo DeLuca with Townsend Public Affairs, regarding Item 10.15. Mayor Bauters and Vice Mayor Medina each stated that they had participated as negotiators on Item 10.23, and the Mayor further disclosed that he had spoken with both the Police Department and a representative of the Nikataris family regarding Item 11.2, and with Andre Carpiaux regarding Item 12.4.

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

Speaker spoke regarding Parks Make Life Better, stating that Emeryville has the lowest ratio of parks to residents of any city in the East Bay. He also stated that the Police Department building is not compliant with ADA standards for emergency egress.

10. CONSENT ITEMS

Approval of the Consent Agenda

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

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Patz

- 10.1.** [ID-2018-346](#) 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-2018-337](#) Action Minutes of the June 5, 2018, Emeryville City Council / 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-2018-341](#) Action Minutes of the June 5, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2018-340](#) Action Minutes of the June 5, 2018 Emeryville City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2018-307](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A One Year Agreement With Second Sight Video & Multimedia Productions, Inc., For Fiscal Year 2018-19 To Provide Broadcasting, Videotaping, And Related Services For A Total Amount Not To Exceed \$60,000. (Sheri Hartz)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Agreement with Exhibit A](#)
[APPROVED Resolution No. 18-62](#)

A motion was made to approve this Resolution.

Enactment No: 18-62

- 10.6.** [ID-2018-301](#) Review Of 3rd Quarter FY17-18 Financial Update. (Susan Hsieh)

Attachments: [Staff Report](#)

A motion was made to accept this Informational Report.

- 10.7.** [ID-2018-302](#) 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](#)
[Draft Resolution](#)
[Draft Statement of Investment Policy \(Red-Lined\)](#)
[Statement of Investment Policy \(Clean Version\)](#)
[APPROVED Resolution No. 18-63](#)

A motion was made to approve this Resolution.

Enactment No: 18-63

- 10.8.** [ID-2018-314](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Investment Guidelines For The City's Section 115 Pension Trust, Authorizing The Transfer Of \$9,700,000 To PARS By August 31, 2018 To Establish The Pension Trust, And Appropriating \$7,275,000 From the PERS Reserve Fund (Fund 715) To The Fiscal Year 2018-19 Budget. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Investment Guidelines Document](#)
[APPROVED Resolution No. 18-64](#)

A motion was made to approve this Resolution.

Enactment No: 18-64

- 10.9.** [ID-2018-343](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Appropriations Limit For The 2018-19 Fiscal Year At \$109,852,899. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - Appropriations Limit Calculation FY 2018-19](#)
[APPROVED Resolution No. 18-65](#)

Resolution this accept.

Enactment No: 18-65

- 10.10.** [ID-2018-334](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract #CSPP-8008 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2018-2019 In The Amount Of \$170,230 And Appropriate Said Funds When Received To Account 230-53600. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[CSPP-8008 Contract](#)
[APPROVED Resolution No. 18-66](#)

A motion was made to approve this Resolution.

Enactment No: 18-66

- 10.11.** [ID-2018-345](#) Resolution Of The City Council Of The City Of Emeryville Adopting The 2018-2019 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](#)
[Draft Resolution](#)
[APPROVED Resolution No. 18-67](#)

A motion was made to approve this Resolution.

Enactment No: 18-67

- 10.12.** [ID-2018-293](#) 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 (WC3) For A Total Amount Not To Exceed \$1,056,954 For Providing Building Division Services For The City Of Emeryville During Fiscal Year 2018-2019. (Charles S. Bryant / Victor R. Gonzales)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Contract](#)

[APPROVED Resolution No. 18-68](#)

A motion was made to approve this Resolution.

Enactment No: 18-68

- 10.13.** [ID-2018-294](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With 4Leaf Incorporated For A Total Amount Not To Exceed \$125,000 For Providing Building Division Services For The City Of Emeryville During Fiscal Year 2018-2019. (Charles S. Bryant / Victor R. Gonzales)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Contract](#)

[APPROVED Resolution No. 18-69](#)

A motion was made to approve this Resolution.

Enactment No: 18-69

- 10.14.** [ID-2018-308](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Community Grants Funding Agreement With Emeryville Citizens Assistance Program In The Amount Of \$70,135 To Support Food And Clothing Distribution To The Homeless And Near-Homeless For Fiscal Year 2018-19. (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)

[Attachment 1 - Final Report FY17-18](#)

[Attachment 2 - Grant Application](#)

[Draft Resolution](#)

[Exhibit A - Funding Agreement](#)

[APPROVED Resolution No. 18-70](#)

A motion was made to approve this Resolution.

Enactment No: 18-70

- 10.15.** [ID-2018-309](#) Resolution Of The City Council 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 2018-19. (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Contract](#)
[APPROVED Resolution No. 18-71](#)

A motion was made to approve this Resolution.

Enactment No: 18-71

- 10.16.** [ID-2018-310](#) 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 And Rental Programs For A Total Contract Amount Not-To-Exceed \$145,000 For The Period July 1, 2018 To June 30, 2019. (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Contract](#)
[APPROVED Resolution No. 18-72](#)

A motion was made to approve this Resolution.

Enactment No: 18-72

- 10.17.** [ID-2018-332](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To Public Parking Lease And Option To Acquire Easement By And Between Emery Station West, LLC, And The City Of Emeryville And Appropriating \$176,752.50 From The Traffic Impact Fee Fund (Fund 250) To The Fiscal Year 2018-2019 Capital Improvement Plan Budget For The Transit Center - Public Parking And Bus Bays Project (CIP Number CF-04, Project Number 16254012). (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - First Amendment to Public Parking Lease](#)
[APPROVED Resolution No. 18-73](#)

A motion was made to approve this Resolution.

Enactment No: 18-73

- 10.18.** [ID-2018-344](#) Resolution Of The City Council Of Emeryville Authorizing The City Manager To Enter Into The First Amendment To Professional Services Agreement With West Coast Code Consultants, Inc.,

Increasing the Contract Price by \$400,000, to An Amount Not To Exceed \$900,000 For Public Works Construction Inspection Services Required For Various Capital Improvement Programs And Encroachment Permit / Stormwater Permit Projects For Fiscal Year 2018-2019. (Andrew Clough)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[PSA](#)

[PSA Amendment 1](#)

[APPROVED Resolution No. 18-74](#)

A motion was made to approve this Resolution.

Enactment No: 18-74

- 10.19.** [ID-2018-318](#) 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 \$90,000 For Plan Check and Inspection 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 2018-2019. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Contract](#)

[APPROVED Resolution No. 18-75](#)

A motion was made to approve this Resolution.

Enactment No: 18-75

- 10.20.** [ID-2018-315](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Maintenance Contract With Rubicon Landscaping, Inc. In An Amount Not To Exceed \$214,199 For Landscape Maintenance of City-Owned Parks and Open Space For Fiscal Year 2018-19. (Andrew Clough)

Attachments: [Staff Report](#)[Draft Resolution](#)[Maintenance Contract](#)[Exhibit A](#)[Exhibit B](#)[Exhibit C](#)[Exhibit D](#)[APPROVED Resolution No. 18-76](#)**A motion was made to approve this Resolution.**

Enactment No: 18-76

- 10.21.** [ID-2018-317](#) 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 \$107,016 For Environmental Work At Two Sites Required By The Alameda County Department of Environmental Health (ACDEH). (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)[Draft Resolution](#)[Contract](#)[APPROVED Resolution No. 18-77](#)**A motion was made to approve this Resolution.**

Enactment No: 18-77

- 10.22.** [ID-2018-336](#) Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To A First Amendment To The Amended And Restated Agreement Of Employment Between The Management Of Emeryville Services Authority And Carolyn Lehr As City Manager. (Lisa Lopez)
(In Conjunction With Management of Emeryville Services Authority Agenda Item 6.3.)

Attachments: [Staff Report](#)[Draft Resolution](#)[Contract](#)[APPROVED Resolution No. 18-78](#)**A motion was made to approve this Resolution.**

Enactment No: 18-78

- 10.23.** [ID-2018-372](#) Resolution Of The City Council Of The City Of Emeryville Approving

And Consenting To An Agreement Of Employment Between The Management Of Emeryville Services Authority And Michael A. Guina As City Attorney/General Counsel For The Period Of July 1, 2018 Through June 30, 2020. (Michael Guina)
(In Conjunction With Management of Emeryville Services Authority Regular Meeting Agenda Item 6.4.)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[2018-2020 Employment Agreement](#)
[APPROVED Resolution No. 18-79](#)

A motion was made to approve this Resolution.

Enactment No: 18-79

- 10.24.** [ID-2018-374](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Third Amendment To The First Responders Advanced Life Support (FRALS) Agreement With The County Of Alameda That Governs The Provision Of Advanced Life Support Medical Services. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[FRALS Third Amendment](#)
[APPROVED Resolution No. 18-80](#)

A motion was made to approve this Resolution.

Enactment No: 18-80

- 10.25.** [ID-2018-378](#) Resolution Of The City Council Of The City Of Emeryville Adding A Regular City Council Meeting To The 2018 Council Meeting Calendar. (Sheri Hartz)

Attachments: [Staff Report](#)
[Attachment - 2018 Meeting Calendar](#)
[Draft Resolution](#)
[APPROVED Resolution No. 18-81](#)

A motion was made to approve this Resolution.

Enactment No: 18-81

- 10.26.** [ID-2018-380](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Fourth Amendment To The Professional Services Agreement For Audit Services With Lance, Soll & Lunghard, LLP, Increasing The Services Agreement Amount By \$110,735 To An Amount Not To Exceed \$992,453 For

The Fiscal Year 2017-2018 Audit. (Susan Hsieh)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Contract Amendment](#)

[APPROVED Resolution No. 18-82](#)

A motion was made to approve this Resolution.

Enactment No: 18-82

- 10.27.** [ID-2018-313](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With EKI Water And Environment Inc. (EKI) In An Amount Not To Exceed \$66,000 For Hazardous Materials Investigation And Mitigation Services At APN 049-1041-026-16 Related To The Development of the Sherwin Williams Project; And Appropriating \$66,000 From The General Capital Fund (Fund 475). (Michael Guina)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Agreement](#)

[EKI Proposal](#)

[APPROVED Resolution No. 18-83](#)

A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve this Resolution. Mayor Bauters recused himself from consideration of this item due to the proximity of his residence to the project. The motion carried by the following vote:

Ayes: 3 - Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Patz

Recused: 1 - Mayor Bauters

Enactment No: 18-83

11. PUBLIC HEARINGS

- 11.1.** [ID-2018-306](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2018-19 Effective On July 2, 2018. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A: Proposed Master Fee Schedule](#)
[APPROVED Resolution No. 18-84](#)

The Council waived the staff presentation.

PUBLIC HEARING OPEN: 10:06 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 10:06 p.m.

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

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Patz

Enactment No: 18-84

- 11.2.** [ID-2018-312](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Bank Club Cafe For Calendar Year 2018. (Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Permit Memo and Cabaret License Application](#)
[APPROVED Resolution No. 18-85](#)

The Council waived the staff presentation.

PUBLIC HEARING OPEN: 10:07 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 10:08 p.m.

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

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Patz

Enactment No: 18-85

12. ACTION ITEMS

- 12.1. [ID-2018-333](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Commercial Property Transfer Tax Policy. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A: Commercial Property Transfer Tax Policy](#)
[APPROVED Resolution No. 18-86](#)

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

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

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Patz

Enactment No: 18-86

- 12.2. [ID-2018-377](#) Resolution Of The City Council Of The City Of Emeryville Approving An Agreement Of Employment Between The Management Of Emeryville Services Authority (MESA) And James Nil Holgersson As Interim City Manager And Authorizing The Chair Of The Board Of Directors To Execute Said Agreement On Behalf Of MESA. (Lisa Lopez)
(In Conjunction With Management of Emeryville Services Authority Regular Meeting Agenda Item 7.1.)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[APPROVED Resolution No. 18-87](#)

Human Resources Director Lisa Lopez introduced newly appointed Interim City Manager James Holgersson, who made brief comments.

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: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Patz

Enactment No: 18-87

- 12.3.** [ID-2018-351](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Enter Into And Execute An Agreement Between The City Of Emeryville And The Alameda County Fire Department Regarding Fire And Emergency Services. (Lisa Lopez)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Contract](#)

[E34 Unit 170](#)

[E-35 Unit 171](#)

[T-535 Unit 200](#)

[Emeryville Budget and 5-yr Projection](#)

[Emeryville Response Plan](#)

[Emeryville Response Map](#)

[Emeryville Equipment Exhibit](#)

[City of Oakland Subcontract 06302019](#)

[BA AlamedaCoFD 17-06-06 OPEB Emeryville Withdrawal Illustration](#)

[APPROVED Resolution No. 18-88](#)

Director Lopez gave a brief staff presentation and responded to Council questions.

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

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Patz

Enactment No: 18-88

- 12.4.** [ID-2018-379](#) Update Re: Special Assessment In The Amount of \$50,145.75 Against The Property Owned By Andre Carpiaux, 1264 Ocean Avenue, Emeryville, CA (APN 049-1469-008). (Michael Guina)

Attachments: [Staff Report](#)

[Exhibit A - Resolution 18-29](#)

City Attorney Guina gave the staff presentation.

Informational Report this accept.

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Martinez requested and received majority support for the Housing Committee to hold a study session to explore community land trusts and co-housing as directions the City could take to spend the proceeds from Measure C. Mayor Bauters request that a letter of support be sent for reopening the onramp to I-80 westbound from the west side of the bridge, creating an expedited bus-only loop through the Shellmound/Christie area. He received majority support that the letter will be added for Council consideration at the July 10th Council meeting. Vice Mayor Medina requested and received support to bring a resolution in support of Proposition 13 reform to the July 24th agenda. Mayor Bauters also requested authoring, along with the Vice Mayor, a resolution in opposition to children being separated from parents at the border, to be considered at either the July 10th or 24th meeting.

15. ADJOURNMENT

The meeting adjourned at 10:31 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