



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

Monday, September 17, 2018

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

3. APPROVAL OF FINAL AGENDA

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

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

4. SPECIAL ORDERS OF THE DAY

4.1. [ID-2018-492](#)

Proclamation Recognizing Joyce Jacobson For 22 Years Of Volunteer Service To The City Of Emeryville. (Brad Helfenberger/Pedro Jimenez)

Attachments: [Proclamation](#)

Mayor Bauters presented the proclamation to Ms. Jacobson, who made brief remarks of appreciation.

4.2. [ID-2018-486](#)

Proclamation: Suicide Prevention Awareness Month

Attachments: [Proclamation](#)

The Mayor read the proclamation aloud, which would be forwarded to the requestor.

4.3. [ID-2018-493](#) Proclamation: California Clean Air Day 2018

Attachments: [Proclamation](#)

Mayor Bauters read the proclamation which would be forwarded to the requestor.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that the recruitment period had closed and appointments would be made at the October 2, 2018 Council meeting.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez announced that StopWaste, the Alameda County Waste Management Authority Recycling and Energy Council, was offering a Rethink technical assistance program that would be available for restaurants contemplating moving from disposable to reusable food service ware, and gave the contact information. Council Member Donahue announced the upcoming solar equinox and encouraged celebration of the natural phenomenon. Council Member Patz report on his attendance of the monthly Housing Authority (HACA) meeting, stating that they had distributed scholarships that had been previously awarded, and that it had been very moving to see the assistance offered.

Vice Mayor Medina stated she had attended the League of California Cities Annual Conference as the city's delegate, had represented the Council's position on the two resolutions. AM: LOCC as city delegate, and was recognized for debate. She also said that cities in the south bay region have started a Legislative Affairs Committee to discuss interactions with the League. Mayor Bauters thanked his Council colleagues as follows: Council Member Martinez for her help with the back to school supply drive; Council Member Donahue for joining in at the shoreline clean up, where the least amount of trash ever was collected; Council Member Patz for joining him at the beer and wine festival at Bay Street, and Vice Mayor Medina for her work at the League conference, and for getting to debate. He also announced the tentative dedication event at Christie Park, and the Emergency Preparation event that same day.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Vice Mayor Medina and Council Member Martinez both reported on having received the late correspondence items that had also been entered into the public record regarding Item 12.1. Council Member Donahue stated he had spoken with Archana Horstein and David Dial, Orton Development. Mayor Bauters disclosed the same correspondence items and also a meeting with Mr. Dial.

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

Deborah Auker, East Bay Regional Parks, spoke in support of County Measure FF on the November ballot.

10. CONSENT ITEMS***Approval of the Consent Agenda***

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

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

10.1. [ID-2018-501](#) 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-2018-495](#) Action Minutes of the September 4, 2018, Emeryville City Council / Management of Emeryville Services Authority / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2018-498](#) Action Minutes of the September 4, 2018 Emeryville City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2018-488](#) 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 With CDM Smith For The

Emeryville Parking Management Plan Update, Increasing The Maximum Compensation By \$55,305 For A Total Amount Not To Exceed \$228,558 (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - First Amendment to Professional Service Agreement](#)

[APPROVED Resolution 18-121](#)

A motion was made to approve this Resolution.

Enactment No: 18-121

- 10.5.** [ID-2018-490](#) Resolution Of the City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment Of The Professional Services Agreement With Mills College For Labor Standards Outreach And Education Extending The Term Of The Agreement Through June 30, 2019 (Charles S. Bryant / Chadrick Smalley / April Shabazz)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - First Amendment to Professional Services Agreement](#)

[APPROVED Resolution 18-122](#)

A motion was made to approve this Resolution.

Enactment No: 18-122

- 10.6.** [ID-2018-491](#) Resolution Of the City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment Of The Professional Services Agreement With The Labor Compliance Managers For Labor Standards Administration and Enforcement Extending The Term Of The Agreement Through June 30, 2019 (Charles S. Bryant / Chadrick Smalley / April Shabazz)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - First Amendment to Professional Services Agreement](#)

[APPROVED Resolution 18-123](#)

A motion was made to approve this Resolution.

Enactment No: 18-123

- 10.7.** [ID-2018-464](#) Resolution Of The City Council Of The City Of Emeryville Appropriating In Fiscal Year 2018/2019 Amounts Of \$290,740.99 From General Capital Fund; And Authorizing The City Manager To

Enter Into A Professional Services Agreement With CTC, Inc. In An Amount Not To Exceed \$290,740.99 For The Performance Of Project Management, Environmental Analysis, Preliminary Engineering Design, Plans, Specifications, And Estimates (PS&E), And Construction Bidding Phase Support Services For The Quiet Zone Safety Engineering Measures on 65th, 66th, and 67th Streets Project. (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Professional Service Agreement for CTC Inc.](#)

[Exhibit A - CTC Inc. Proposal](#)

[Exhibit B - Cost Proposal](#)

[Request For Proposal Quiet Zone Safety Engineering Measures](#)

[APPROVED Resolution 18-124](#)

A motion was made to approve this Resolution.

Enactment No: 18-124

- 10.8.** [ID-2018-475](#) Consideration Of Transportation Committee Recommendation For Request For Extension Of Yellow Zone On The West Side Of Holden Street, South Of 45th Street. (Andrew Clough / Keely Nelson)

Attachments: [Staff Report](#)

[Attachment 1 - Holden St. Yellow Zone Extension](#)

A motion was made to approve this Other Item.

- 10.9.** [ID 2018-466](#) Resolution Of The City Council Of The City of Emeryville Appropriating In Fiscal Year 2018/2019 Amounts Of \$99,236.62 From Measure B - Bicycle and Pedestrian (Fund #262); And Authorizing The City Manager To Enter Into A Maintenance Contract With DC Electric Group, Inc. In An Amount Not To Exceed \$283,236.62 For The Maintenance And Repair Of Traffic Signals, Streetlights And Safety Lighting For Fiscal Year 2018-2019. (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[DC Maintenance Agreement](#)

[APPROVED Resolution 18-125](#)

A motion was made to approve this Resolution.

Enactment No: 18-125

- 10.10. [ID-2018-484](#)** Resolution Of The City Council Of Emeryville Authorizing The City Manager To Enter Into The First Amendment To Professional Services Agreement With Kimley-Horn And Associates, Inc., Increasing The Contract Price By \$28,600, To An Amount Not To Exceed \$71,600 For Traffic Engineering Services On An On-Call Basis. (Ryan O'Connell / Andrew Clough)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Professional Service Agreement 1st Amendment](#)

[Exhibit A - Proposal](#)

[APPROVED Resolution 18-126](#)

A motion was made to approve this Resolution.

Enactment No: 18-126

- 10.11. [ID-2018-485](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into The First Amendment To Professional Services Agreement With Sally Swanson Architects, Inc., Increasing The Contract Price By \$10,000.00, To An Amount Not To Exceed \$164,798.00 For The Performance Of An ADA Access Compliance Survey For City-Wide Public Right-Of-Way And Facilities, And To Develop An ADA Transition Plan. (Ryan O'Connell / Andrew Clough)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Professional Service Agreement - 1st Amendment](#)

[Exhibit A - 1st Amendment Proposal](#)

[Original Professional Service Agreement](#)

[APPROVED Resolution 18-127](#)

A motion was made to approve this Resolution.

Enactment No: 18-127

- 10.12. [ID-2018-494](#)** 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 Integrity Construction Maintenance Inc. Increasing The Contract Amount By \$79,415 To An Amount Not To Exceed \$434,415 For Facilities Maintenance Of City Owned Buildings for Fiscal Year 2017-18 Using Funds Sufficient And Available For Appropriation in Fund 650 Major Maintenance - Account 77030. (Andrew Clough)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[First Amendment - ICM FY 2017-18](#)
[APPROVED Resolution 18-128](#)

A motion was made to approve this Resolution.

Enactment No: 18-128

11. PUBLIC HEARINGS

- 11.1. [ID-2018-499](#) 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 September 18, 2018. (Susan Hsieh / Charles S. Bryant)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A](#)
[APPROVED Resolution 18-129](#)

No staff presentation was requested from the Council, and there was no Council discussion.

PUBLIC HEARING OPEN: 7:43 p.m.

There was no public testimony given.

PUBLIC HEARING CLOSED: 7:43 p.m.

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

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

Enactment No: 18-129

12. ACTION ITEMS

- 12.1. [ID-2018-489](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into Negotiations For An Exclusive Right To Negotiate Agreement With Orton Development Inc. For The Development And Operation Of An Art Center At 4060 Hollis Street (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Attachments: [Staff Report](#)[Draft Resolution](#)[Attachment 2 - Interview Scoring Results](#)[Attachment 3 - Excerpts of ODI Proposal](#)[Attachment 4 - Excerpts of MSL Proposal](#)[Attachment 5 - Excerpts of CAST Proposal with follow-up letter](#)[Attachment 6 - RFQP \(Without Attachments\)](#)[Attachment 7 - Preliminary Staff Review Comments](#)[Late Correspondence - Paul Dresher Ensemble](#)[Late Correspondence - Kenneth Rainin Foundation](#)[Late Correspondence - Luna Dance Institute](#)[Late Correspondence - San Francisco Arts Commission](#)[Late Correspondence - Jonathan Youtt](#)[APPROVED Resolution 18-130](#)

Economic Development and Housing Coordinator Emi Theriault gave the staff presentation. Following staff's report, each of the three applicants had the opportunity to give a 12-minute presentation on their projects.

PUBLIC COMMENT

1. Nancy, Luna Dance Institute, thanked Council for vision and dedication to this project and recommended the choice of CAST and Crew's proposal.
2. Tanya Rutherford, president of non-profit representing artists in Oakland, recommended choosing CAST's proposal.
3. Archana Horstein, Arts Administrator, recommended that the Council approve the proposal of CAST and Crew due to its superior design.
4. Greg Harper supported the CAST proposal, stating that they were motivated by a love of art.
5. Douglas Stewart, Indigenous House Consulting, supported CAST taking the lead for this development.
6. Alistair Monroe, Oakland Cannery Collective, spoke in support of the CAST proposal.
7. Anna Orias, Executive Director, Musically Minded Academy, also spoke in support of CAST being chosen.
8. Seven, local museum Executive Director, supported CAST proposal due to their support of his organization and the inclusion of a housing component.
9. Eduardo Escobedo, speaking on behalf of Attitudinal Healing Connection, Oakland, stated that he supported the proposal of CAST.
10. Sharon Wilchar thanked all three teams for their proposals, stating

that locating a venue for the upcoming Celebration of the Arts has always been challenging, and discussed the merits of each.

A motion was made by Council Member Patz, 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 Martinez, and Council Member Patz

Noes: 1 - Council Member Donahue

Enactment No: 18-130

- 12.2. [ID-2018-457](#)** Resolution Of The City Council Of The City Of Emeryville Adopting The Public Art Committee's Recommendation To Select The Proposal Wind Jetty For The Emeryville Marina Public Art Project And Authorizing The City Manager To Execute An Agreement With Artist Ned Kahn For Design, Fabrication, Transportation, And Installation Of The Art Work In An Amount Not To Exceed \$150,000 (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Agreement](#)

Economic Development and Housing Coordinator Amber Evans gave the staff presentation and responded to Council questions.

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

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

Enactment No: 18-131

- 12.3. [ID-2018-500](#)** An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapter 29 Of Title 5 Of The Emeryville Municipal Code, "Smoking Pollution Control"; CEQA Determination: Exempt Pursuant To Section 15061(B)(3) Of The California CEQA Guidelines

Resolution of the City Council of the City of Emeryville Authorizing the City Manager to Execute a Memorandum of Understanding Between the City of Emeryville and the County of Alameda Public Health Department Regarding Provision of Education and Outreach for City's Smoking Pollution Control Ordinance And Rescinding Resolution No. 18-115

Attachments: [Staff Report](#)

There was no staff presentation requested and the Council had no questions.

PUBLIC COMMENT:

1. Tamiko Johnson spoke in support of the policy.

12.3.1 [ID 2018-507](#)

Attachments: [Proposed Ordinance](#)
[APPROVED Ordinance 18-003](#)

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

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

Enactment No: Ordinance 18-003

A motion was made by Council Member Patz, seconded by Vice Mayor Medina, to approve the second reading and adoption of the Ordinance. The motion carried by the following vote:

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

Enactment No: Ordinance 18-003

12.3.2 [ID-2018-508](#)

Attachments: [Draft Resolution](#)
[Memorandum of Understanding](#)
[APPROVED Resolution 18-132](#)

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

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

Enactment No: 18-132

12.4. [ID-2018-506](#)

An Ordinance Of The City Council Of The City Of Emeryville Amending Section 2-7.601 "Declaration of Policy"; CEQA Determination: Exempt Pursuant To Section 15061(B)(3) Of The California CEQA Guidelines (Lisa Lopez)

Attachments: [Staff Report](#)
[Proposed Ordinance](#)

The Council did not request a staff presentation and had no questions.

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

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

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

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

12.5. [ID-2018-505](#) Resolution Of The City Council Of The City Of Emeryville Amending The Budget For Fiscal Year 2017-18. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Appendix A - FY 17-18 Proposed Budget Adjustments](#)
[Budget in Brief Brochure](#)
[APPROVED Resolution 18-133](#)

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

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

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

Enactment No: 18-133

12.6. [ID-2018-503](#) Discussion of Legislative Actions for November 2018 Ballot. (Sheri Hartz)

Attachments: [Staff Report](#)
[Townsend Memo](#)
[Full Texts of Bills](#)

The Council discussed the recommendations of Townsend and provided direction to staff.

PUBLIC COMMENT: None

After discussion the Council agreed on the following positions:

Prop 1: support
Prop 2: support
Prop 3: support
Prop 4: support
Prop 5: oppose
Prop 6: oppose
Prop 7: support
Prop 8: support
Prop 9: had been withdrawn
Prop 10: support
Prop 11: no position
Prop 12: no position
Measure FF: support

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to approve the City's positions as shown. The motion carried by the following vote:

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

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

No requests for Future Agenda Items were made.

15. ADJOURNMENT

The meeting adjourned at 10:29 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