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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

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Tuesday, December 18, 2018

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 7:32 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 Council Member Bauters, seconded by Vice Mayor Patz, to approve the Final Agenda. The motion carried by the following vote:**

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

#### 4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

#### 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

There was no report given.

#### 6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Bauters reported on his attendance at the AC Transit meeting, stating that 10 projects had been discussed, and an update provided on the San Pablo corridor, where a process to envision a potential redesign was happening and public outreach sessions would be scheduled.

**7. CITY MANAGER'S REPORT**

There was no report given.

**8. EX PARTE COMMUNICATIONS**

Council Member Bauters reported that he had discussed Item 11.1 with a representative from the Bank Club and had conversations with each of his nominees for Standby Officers related to Item 12.5. Mayor Medina also reported having made contacts related to Item 12.5.

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

There were no comments made.

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

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

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

**10.1. [ID-2018-681](#)** Warrants. (Susan Hsieh)

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

**A motion was made to approve this Other Item.**

**10.2. [ID-2018-668](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To Professional Services Agreement With EKI Environment and Water, Inc., For An Additional Compensation Amount of \$49,900, Not To Exceed \$79,900, For Consulting Services Related To Environmental Monitoring And Cleanup Of Horton Landing Park Expansion Site. (Andrew Clough)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A First Amendment to Professional Services Agreement](#)  
[Exhibit A.1 7/3/18, Proposal for Professional Services](#)  
[Exhibit A.2 8/318 Proposal for Professional Services](#)  
[Exhibit B Original PSA Agreement](#)  
[APPROVED Resolution No. 18-170](#)

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

Enactment No: Reso 18-170

- 10.3.** [ID-2018-670](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Contract With Schaaf And Wheeler In An Amount Not To Exceed \$88,528.00 For The Design Of A Large Trash Separator In Storm Drain Line, Fiscal Year 2018/19, Project No. EPW 107-18, CIP No. ST-13; CEQA Determination: Exempt Pursuant To State CEQA Guidelines 15061(b)(3) And 15063. (Andrew Clough / Nancy Humphrey / Oliver Abbitt)

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

[Draft Resolution](#)

[Contract](#)

[Exhibit A - Trash Management Map](#)

[Exhibit B - Map of HDS Location](#)

[APPROVED Resolution No. 18-171](#)

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

Enactment No: Reso 18-171

- 10.4.** [ID-2018-666](#) Resolution Of The City Council Of The City Of Emeryville Appropriating \$238,819 From Fund 254 - Grant Fund To Project 19254013, "Emery Go-Round Watergate Express Service 2018", To Implement Funding Agreements With The Bay Area Air Quality Management District And The Emeryville Transportation Management Association For Emery Go-Round Watergate Express Service In Calendar Year 2018 (Charles S. Bryant / Diana Keena)

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

[Attachment 1 - BAAQMD TFCA Funding Agreement](#)

[Attachment 2 - ETMA Grant Funding Agreement](#)

[Draft Resolution](#)

[APPROVED Resolution No. 18-172](#)

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

Enactment No: Reso 18-172

- 10.5.** [ID-2018-637](#) Second Reading of an Ordinance of the City Council of the City of Emeryville Authorizing an Amendment to the Contract between the City of Emeryville and the Board of Administration of the California Public Employees Retirement System (CalPERS) With Respect to Public Safety Employees (Lisa Lopez)

**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)  
[Contract](#)  
[ADOPTED Ordinance 18-006](#)

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

Enactment No: Ord 18-006

## **11. PUBLIC HEARINGS**

- 11.1. [ID-2018-664](#)** 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 2019. (Chief Tejada)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Bank Club Cafe Cabaret Application Redacted](#)  
[APPROVED Resolution No. 18-173](#)

The Council waived staff presentation.

PUBLIC HEARING OPENED: 7:35 p.m.

No testimony was given.

PUBLIC HEARING CLOSED: 7:36 p.m.

**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 Ally Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

Enactment No: 18-173

- 11.2. [ID-2018-665](#)** Resolution Of The City Council Of The City Of Emeryville Granting An Annual Card Room License To The Oaks Card Club For The Calendar Year 2019. (Chief Tejada)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Oaks Card Club Calls for Service 2018](#)  
[License Application Redacted](#)  
[APPROVED Resolution No. 18-174](#)

The Council waived staff presentation.

PUBLIC HEARING OPENED: 7:37 p.m.

No testimony was given.

PUBLIC HEARING CLOSED: 7:37 p.m.

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

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

Enactment No: 18-174

## 12. ACTION ITEMS

- 12.1. [ID-2018-677](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Annual Audit Report, Which Includes The Audited Basic Financial Statements And Auditors' Opinion, For The City Of Emeryville For The Fiscal Year Ending June 30, 2018 (Susan Hsieh)

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

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - Comprehensive Annual Financial Report](#)

[Attachment 3 - Appropriations Limit Calculation](#)

[Attachment 4 - Child Development Program Compliance Audit](#)

[Attachment 5- Measure B Compliance Audit](#)

[Attachment 6 - Measure BB Compliance Audit](#)

[Attachment 7 - Vehicle License Fee Compliance Audit](#)

[Attachment 8 - Housing Compliance Audit](#)

[Attachment 9 - Audit Communication Letter](#)

[Attachment 10 - Report on Internal Control](#)

[APPROVED Resolution No. 18-175](#)

Finance Manager Susan Hsieh gave the staff presentation on this item.

### PUBLIC COMMENT

Bill Reuter spoke regarding City's financial shape, stating that future unfunded liabilities are being paid down, but that other revenue sources needed to be found.

**A motion was made by Council Member Bauters, seconded by Council Member Martinez, to approve this Resolution. The motion**

**carried by the following vote:**

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

Enactment No: 18-175

- 12.2.** [ID-2018-680](#) Consideration of 1st Quarter Fiscal Year 2018-19 Financial Update (Susan Hsieh)

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

Ms. Hsieh also provided the presentation on this item, and responded to Council questions.

- 12.3.** [ID-2018-678](#) Consideration of FY 2019-20 and FY 2020-21 Budget Development Schedule (Susan Hsieh)

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

Finance Manager Hsieh presented the item and responded to Council Member questions. The addition of a Council Study Session to the Council calendar on January 29, 2019 was approved.

- 12.4.** [ID-2018-639](#) 40th Street Concept Plan (Charles S. Bryant / Diana Keena)

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

[Draft Conceptual Layout Plan and Sections](#)

Community Development Director Charles Bryant gave the staff presentation and responded to Council questions. Deepak Sohane, Community Design + Architecture (CD+A), presented the graphic depiction of the plan, and Rob Reese, Fehr + Peers was also present to answer questions.

**PUBLIC COMMENT**

Edwin Lee, Granite Expo worker, stated he was concerned about the removal of parking spaces on 40th Street.

- 12.5.** [ID-2018-671](#) Resolution Of The City Council Of The City of Emeryville Appointing Standby Officers For Council Member And City Manager Succession In The Event Of A Declared Emergency For Calendar Year 2019. (Sheri Hartz)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A to Resolution](#)  
[Attachment A: Current Standby Officer Roster](#)  
[Attachment B: Gov't Code Sections](#)  
[APPROVED Resolution No. 18-176](#)

The Council discussed the item and all announced that they would retain their existing appointees, with the exception of Mayor Medina who replaced her appointee Barbara Inch with Evan Lovett-Harris.

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

Enactment No: 18-176

- 12.6.** [ID-2018-623](#) Report To The City Council Of The City Of Emeryville Presenting The Conceptual Design For the Conversion Of The City Hall Front Lawn Into A Certified Bay-Friendly Landscape. (Andrew Clough / Izabela Cirloganu)

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

Environmental Supervisor Nancy Humphrey gave the staff presentation and responded to Council questions. Cynthia Greenberg from PlaceWorks was also present.

- 12.7.** [ID-2018-672](#) Resolution Of The City Council Of The City Of Emeryville Authorizing A Contribution Of \$10,062 To The Gilman Fields Joint Powers Authority For Turf Replacement Project FY2018 And Appropriating \$10,062 From The General Fund To Fund 5460-88900. (Pedro Jimenez)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Gilman Fields - Turf Replacement FY18 Memo](#)

Community Services Director Pedro Jimenez gave the staff presentation and responded to Council questions. The Council authorized Mayor Medina to renegotiate the City's annual agreement with the JPA.

**A motion was made by Council Member Bauters, seconded by Council Member Martinez, to deny this Resolution and therefore not adopt it. The motion carried by the following vote:**

**Ayes:** 4 - Mayor Ally Medina, Vice Mayor Patz, Council Member Bauters, and Council Member Martinez

**Noes:** 1 - Council Member Donahue

### 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2018-667](#) Planning Director's report on Planning Commission actions at the December 13, 2018 meeting:

- (a) Decathlon Signs. Major Sign Permit for one illuminated wall sign, one non-illuminated monument sign, and three illuminated signs on the tower structure for Decathlon sporting goods in the former Toys "R" Us building at 3938 Horton Street in the East BayBridge Shopping Center. \*
- (b) Telecommunication Facilities Regulations Amendments. Consideration of amendments to the Planning Regulations to make approvals of Wireless Communication Facilities ministerial pursuant to the Zoning Compliance Review process.  
\*\*
- (c) Marketplace Redevelopment Project, "Parcel B". Study session to consider a new Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development to replace the FDP that was approved by the Planning Commission on June 23, 2016. The previously approved FDP included 26,000 square feet of retail space and 300 parking spaces. The proposed FDP includes 14,000 square feet of retail space, 150,000 square feet of office/lab space, and 565 parking spaces.
- (d) Onni Christie Mixed Use Project. Study session to review a proposed mixed use project on a 3.76-acre site at 5801-5861 Christie Avenue, including a 54-story residential tower with 638 units, a 16-story office tower with approximately 238,000 square feet of office space, about 20,000 square feet of ground floor retail space, and 1,105 parking spaces. The project will include a new half-acre public park fronting Christie Avenue and will retain the existing 87,410 square foot office building occupied by Wells Fargo Bank and other commercial tenants. The existing one-story, approximately 44,000 square foot building that is occupied by Allegro Ballroom and other commercial tenants will be demolished.
- (e) Unit Mix and Design, and Tower Separation Amendments for High-Rise Buildings. Study session on Planning Regulations amendments to unit mix and design, and tower separation, for buildings over 100 feet in height.

\* 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.

\*\* Tentatively scheduled for consideration by the City Council on January 15, 2019.

The packet for the December 13, 2018 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Regarding 13.1 (d), Council Member Martinez asked whether the developer on the Onni Project had responded regarding removal of the Wells Fargo Building as part of the project, to which Director Bryant replied that they had not. He summarized the comments of the Planning Commission, stating that they had been generally supportive.

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

Council Member Bauters requested that the Council discuss safe injection sites at a future meeting, and it was decided that staff would take the item to an upcoming Public Safety Committee meeting.

#### **15. ADJOURNMENT**

The meeting adjourned at 9:25 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