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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

--AMENDED--

Tuesday, June 4, 2019

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:18 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 Martinez, seconded by Council Member Donahue, to approve the Final Agenda. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

Deputy City Clerk Pham announced the upcoming annual interviews and appointments of Committee and Commission members at a Special Meeting to be held on June 18, 2019.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Bauters reported on his attendance of the annual Alameda County Transportation Commission Retreat in Oakland, where there were presentations on goods and freight, active-transit safety, and upcoming capital improvement plans for the County.

7. CITY MANAGER'S REPORT

City Manager Daniel acknowledged the tragedy in Virginia Beach and stated that the City of Emeryville stands by with them.

8. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

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

A speaker requested clarification from the Council as to whether the City needs more housing in Emeryville.

10. CONSENT ITEMS

Council Member Patz requested Item 10.9 be pulled from Consent Items for separate consideration.

Council Member Martinez added to Council Member Patz's request to make minor revisions to Action Minutes under Item 10.4.

A motion was made by Vice Mayor Patz, seconded by Council Member Martinez, to approve the Consent Agenda, removing Item 10.9 from the Consent Agenda for separate consideration, and to amend Item 10.4 with the spelling corrections provided by Council Member Martinez. The motion carried by the following vote:

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

10.1. [ID-2019-226](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

10.2. [ID-2019-245](#) Action Minutes of the May 21, 2019 Emeryville City Council/Management of Emeryville Services Authority Closed Session Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2019-246](#) Action Minutes of the May 21, 2019 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

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- 10.4. [ID-2019-248](#) Action Minutes of the May 21, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes as amended.

- 10.5. [ID-2019-219](#) Resolution of The City Council of The City of Emeryville to Approve \$65,940 in Grant Funds Awarded By The California Commission for Police Officer Standards and Training (POST) For Innovations in Community and Police Engagement and Appropriating Said Grant Funds to Grant Fund 254. (Jennifer Tejada / Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Grant Application Packet](#)

[APPROVED Resolution No. 19-56](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-56

- 10.6. [ID-2019-223](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute An Amendment To The Professional Services Contract With Placeworks Inc. To Provide Assistance To The City's Affordable Homeownership And Rental Programs, Extending The Term From June 30, 2019 To December 31, 2019 And Increasing The Total Contract Amount Of \$89,350 By \$90,020 To A New Total Contract Amount Not To Exceed \$179,370. (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Contract Amendment](#)

[APPROVED Resolution No. 19-57](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-57

- 10.7. [ID-2019-229](#) Resolution Of The City Council Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Townsend Public Affairs, Inc. To Provide Federal And State Legislative Advocacy Services For An Amount Not To Exceed \$270,000 For Fiscal Years 2019-20, 2020-21 and 2021-22. (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Professional Services Contract](#)
[APPROVED Resolution No. 19-58](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-58

- 10.8.** [ID-2019-221](#) 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 Investment Policy with Changes Shown](#)
[Draft Resolution](#)
[Exhibit A - Investment Policy](#)
[APPROVED Resolution No. 19-59](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-59

- 10.9.** [ID-2019-266](#) Resolution Of The City Council Of The City Of Emeryville Setting June As Lesbian, Gay, Bisexual, And Transgender Pride Month In The City Of Emeryville; And Approving The Raising Of The Pride Flag At City Hall For The Entire Month Of June Each Year; And Approving The Raising Of An Additional Pride Flag At City Hall For One Day In June 2019 (Sheri Hartz)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-60](#)

Council Member Patz requested that the resolution be amended to include that the transgender flag be flown along with the rainbow flag.

PUBLIC COMMENT

1. A speaker spoke in favor of the resolution and encouraged Council to raise the transgender flag along with the rainbow flag.
2. A speaker spoke in favor of flying both the rainbow and transgender flag.

A motion was made by Council Member Bauters, seconded by Vice Mayor Patz, to approve this Resolution amended to include the transgender flag. The motion carried by the following vote:

Ayes: 5- Council Member Bauters, Council Member Donahue,

Council Member Martinez, Vice Mayor Patz, and Mayor Medina

Enactment No: 19-60

11. PUBLIC HEARINGS

- 11.1.** [ID-2019-222](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2019-20. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Master Fee Schedule](#)
[Draft Resolution](#)
[Exhibit A - FY 19-20 Proposed Master Fee Schedule](#)
[APPROVED Resolution No. 19-61](#)

Finance Director Susan Hsieh provided a brief presentation to the Council.

PUBLIC HEARING OPEN: 7:44 PM

There was no testimony given.

PUBLIC HEARING CLOSED: 7:44 p.m.

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

Enactment No: Resolution No. 19-61

- 11.2.** [ID-2019-218](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To PG&E For Weekend Work Between The Hours Of 9:00 A.M. And 5:00 P.M. On All Saturdays Between June 8, 2019 And July 27, 2019, And Before 7:00 A.M. And After 6:00 P.M. On Friday, June 7, 2019 And Friday, June 28, 2019 To Perform Strength Testing On A Gas Transmission Pipeline That Runs Under Hollis Street From The Oakland City Boundary On The South To The Berkeley City Boundary On The North (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Andrew Clough / Keely Nelson)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Applicant Request Letter.pdf](#)
[Public Hearing Notice](#)
[APPROVED Resolution No. 19-62](#)

Public Works Director Andrew Clough opened the staff presentation, then introduced PG&E staff Thomas Guarino who presented a brief presentation to Council. Mr. Guarino then introduced Sean Dearborn, Jeff Willson, and Claudia Luna to the Council and responded to Council questions.

PUBLIC HEARING OPEN: 8:04 PM

A speaker spoke in opposition to the noise waiver ordinance.

PUBLIC HEARING CLOSED: 8:10 PM

Following the Public Hearing, discussion ensued between Council Members, Director Clough, and PG&E with regard to the dates requested within the resolution. The resolution was revised to allow PG&E a waiver from the Noise Ordinance for weekend work between the hours of 9 AM to 5 PM on all Saturdays between June 8, 2019 and July 27, 2019; and after 6 PM on Friday, July 7, 2019 until 7 AM on Saturday, July 8, 2019.

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

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

Enactment No: Resolution No. 19-62

12. ACTION ITEMS

- 12.1. [ID-2019-238](#)** Adoption Of The Budget For The City Of Emeryville For The 2019-20 And 2020-21 Fiscal Years, Appropriation Of Funds From The FY 2018-19 General Fund Unassigned Fund Balance, And The Adoption Of The Appropriations Limit For The 2019-20 Fiscal Year. (Susan Hsieh)

Attachments: [Staff Report](#)
[2019-21 Proposed Budget](#)

Finance Director Susan Hsieh provided presentation to Council.

- 12.1.1 [ID-2019-242](#)** Resolution Of The City Council Of The City Of Emeryville Adopting The

Budget For The City Of Emeryville For The 2019-20 And 2020-21 Fiscal Years (FY) And Appropriating Funds From The FY 2018-19 General Fund Unassigned Fund Balance. (Susan Hsieh)

Attachments: [Draft Resolution](#)

[Appendix A - City of Emeryville Budget Philosophy](#)

[Appendix B - Reserve Policy](#)

[Appendix C - Residual Property Tax Reserve and Use Policy](#)

[Appendix D - Commercial Property Transfer Tax Policy](#)

[Appendix E - FY 18-19 Proposed Transfer](#)

[Appendix F - Citywide Operating Expenditures by Fund](#)

[APPROVED Resolution No. 19-63](#)

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

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

Enactment No: Resolution No. 19-63

12.1.2 [ID-2019-243](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Appropriations Limit For The 2019-20 Fiscal Year At \$114,937,853. (Susan Hsieh)

Attachments: [Draft Resolution](#)

[Appendix A - Gann limit Calculation 2019-20](#)

[APPROVED Resolution No. 19-64](#)

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

Enactment No: Resolution No. 19-64

12.2. [ID-2019-235](#) Adoption Of The Capital Improvement Program For The City Of Emeryville For The 2019-20 Through 2023-24 Fiscal Years And Authorization Of Appropriations For The 2019-20 And 2020-21 Funding Cycles Of The City Of Emeryville Five Year Capital Improvement Program. (Susan Hsieh / Andrew Clough)

Attachments: [Staff Report](#)

[Proposed Capital Improvement Program](#)

Finance Director Susan Hsieh provided the staff presentation to Council. Ms. Hsieh noted a minor change was made to the Corp Yard

project after publication of the agenda packet, and the updated sheet was provided to Council.

Council discussion ensued with regard to policy, funding, and location of Village Greens.

Enactment No:

- 12.2.1** [ID-2019-236](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Capital Improvement Program For The City Of Emeryville For The 2019-20 Through 2023-24 Fiscal Years. (Susan Hsieh / Andrew Clough)

Attachments: [Draft Resolution](#)

[APPROVED Resolution No. 19-65](#)

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

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

Enactment No: Resolution No. 19-65

- 12.2.2** [ID-2019-237](#) Resolution Of The City Council Of The City Of Emeryville Authorizing Appropriations For The 2019-20 And The 2020-21 Funding Cycles Of The City Of Emeryville Five Year Capital Improvement Program. (Susan Hsieh / Andrew Clough)

Attachments: [Draft Resolution](#)

[Appendix A - CIP Project List](#)

[APPROVED Resolution No. 19-66](#)

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

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

Enactment No: Resolution No. 19-66

A motion was made to approve the motion for the Budget Advisory Committee to discuss a policy for allocating available funds to unfunded projects and the Public Works and Transportation Committee discuss suitable locations for the Village Greens. The motion carried by the following vote:

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

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2019-209](#) Planning Director's report on Planning Commission actions at the May 23, 2019 meeting:

- (a) WeWork High-Rise Sign. Consideration of a Major Sign Permit for one high-rise identification sign at 1900 Powell Street.*
- (b) Tower Separation Requirement Amendment. Consideration of amendments to Article 2 of Chapter 4 of the Planning Regulations concerning separation of buildings over 100 feet tall.**
- (c) Onni Christie Mixed Use Project. Second 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 15-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.
- (d) 40th Street/40th and San Pablo Bus Hub Design. Consideration of a recommendation to the City Council to approve the design of 40th Street and the 40th and San Pablo Bus Hub to create bus-only lanes, a two-way bikeway on the north side of the street, bicycle-pedestrian intersection improvements, streetscaping with green infrastructure and public art opportunities, and bus stop improvements including passenger boarding areas.

* 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.

** First reading of ordinance scheduled for City Council consideration on July 9, 2019.

The packet for the May 23, 2019 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Community Development Director Charles Bryant reported on the Planning Commission's actions at its May 23, 2019 meeting.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

There were no future item requests made.

15. ADJOURNMENT

The meeting adjourned at 8:47 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