



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

--AMENDED--

Tuesday, June 18, 2019

7:16 PM

Council Chambers

Vice Mayor Patz participated in this meeting via teleconference from the site listed below. The meeting agenda was posted at the teleconference site and the site was accessible to the public. No one was present at the teleconference site to address the Council.

Location:

Doheny State Beach

Visitor Center

25300 Dana Point Harbor Drive

Dana Point, CA 92629

(510) 938-6917

1. CALL TO ORDER

The meeting was called to order at 7:17 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 - Mayor 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

City Clerk Hartz announced that a new recruitment would be opened to fill remaining committee and commission vacancies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez encouraged members to register on PGE.com to learn more about the public safety power shutoff program and to make sure their contact information was updated. Council Member Bauters thanked the Mayor and staff for their work in hosting the recent Mayor's Conference, expressed appreciation to the Emeryville Police Department and Station 35 for their participation in the Special Olympics Torch Run and announced that he would participate in a celebration in Dublin on June 22 to hang the Pride flag. Mayor Medina reported on the recent Pride event at City Hall and announced the upcoming ribbon cutting ceremony at Temescal Park.

7. CITY MANAGER'S REPORT

City Manager Daniel announced that PG&E would be making a presentation on Public Safety Power Shut-offs (PSPS) at the Council's July 9, 2019 meeting.

8. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

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

Fran Quittel stated that the General Plan needs to be updated, especially as regards building height limits.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Bauters, seconded by Council Member Donahue, to approve the Consent Agenda with Item 10.6 being pulled for separate consideration by Council Member Bauters. The motion carried by the following vote:

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

10.1. [ID-2019-286](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

- 10.2.** [ID-2019-281](#) Action Minutes of the May 29, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz / Thai Nam Pham)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3.** [ID-2019-295](#) Action Minutes of the June 4, 2019 Emeryville City Council/Management of Emeryville Services Authority Special Closed Session Special Meeting. (Sheri Hartz / Thai Nam Pham)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2019-296](#) Action Minutes of the June 4, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz / Thai Nam Pham)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2019-271](#) Resolution of The City Council of The City Of Emeryville Adopting The 2019 - 2020 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 / Lori Elefant)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 19-75](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-75

- 10.6.** [ID-2019-265](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Two-Year Professional Services Contract With Second Sight Video & Multimedia For Fiscal Years 2019-20 And 2020-21 To Provide Broadcasting, Recording And Related Services For A Total Amount Not To Exceed \$120,000.00. (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Professional Services Contract](#)

[APPROVED Resolution No. 19-76](#)

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

Enactment No: Resolution No. 19-76

- 10.7. [ID-2019-239](#)** Building Division Professional Services Contracts. (Charles S. Bryant / Victor R. Gonzales)

Attachments: [Staff Report](#)

A motion was made to approve this Other Item.

- 10.7.1 [ID-2019-240](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With West Coast Code Consultants For A Total Amount Not To Exceed \$2,069,200 For Providing Building Division Services For The City Of Emeryville During Fiscal Years 2019-2020 And 2020-2021.

Attachments: [Draft Resolution](#)

[Exhibit A - WC3 Contract](#)

[APPROVED Resolution No. 19-77](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-77

- 10.7.2 [ID-2019-241](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With Interwest Consultant Group For A Total Amount Not To Exceed \$239,700 For Providing Building Division Services For The City Of Emeryville During Fiscal Years 2019-2020 And 2020-2021.

Attachments: [Draft Resolution](#)

[Exhibit A - Interwest Contract](#)

[APPROVED Resolution No. 19-78](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-78

- 10.8. [ID-2019-195](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Contract With The Safe Transportation Research And Education Center (SafeTREC) To Perform A Pedestrian And Bicycle Safety Evaluation At Selected Emeryville Intersections. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Professional Services Agreement](#)
[Exhibit A](#)
[APPROVED Resolution No. 19-79](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-79

- 10.9.** [ID-2019-220](#) Signature Authority for ATP Greenway Crossing Improvements Project. (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Exhibit A - Allocation Letter](#)
[Exhibit B - Master Funding Agreement](#)
[Exhibit C - Program Supplement Agreement No S33](#)

- 10.9.1** [ID-2019-277](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Master Funding Agreement With Caltrans.

Attachments: [Draft Resolution](#)
[APPROVED Resolution No. 19-80](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-80

- 10.9.2** [ID-2019-278](#) Resolution Of The City Council Of The City Of Emeryville Authorizing the City Manager To Execute A Program Supplement Agreement No. S33 To The Master Funding Agreement With Caltrans And For All Other Agreements Necessary To Implement The ATP Greenway Crossing Improvements at 65th, 66th, and 67th Streets Project.

Attachments: [Draft Resolution](#)
[APPROVED Resolution No. 19-81](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-81

- 10.10.** [ID-2019-256](#) Resolution Of The City Council Of The City Of Emeryville Accepting The 2017/2018 Street Rehabilitation and Preventive Maintenance Project, Phase 2, EPW 18-104 (CIP No. 17240005), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-82](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-82

- 10.11. [ID-2019-285](#)** Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work And Authorizing The City Engineer To Advertise For Public Bids And Authorizing The City Manager To Award A Contract For The Child Development Center Rehabilitation, CIP No. 16475013; CEQA Determination: Exempt Pursuant To 15301(d). (Andrew Clough)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-83](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-83

- 10.12. [ID-2019-254](#)** Resolution Of The City Council Of The City Of Emeryville Determining that the Bid Protest Filed By Bay Construction, Is Without Merit, Authorizing The City Manager To Execute A Contract With Marina Landscape Inc. In An Amount Not To Exceed \$567,849 For Construction Of The 40th Street/San Pablo Avenue Median Rehabilitation Project, Project No. EPW 105-18, CIP No. 16475033, And Appropriating In Fiscal Year 2018/2019 Amounts Of \$200,000 From The General Capital Fund (Fund 475) From The 2019/2020 Project Budget. (Andrew Clough / Michael Roberts)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Marina Landscape Inc. Construction Contract](#)
[Exhibit B - Bay Construction Bid Protest](#)
[Exhibit C - Public Works Department Response to Bay Construction Bid Protest](#)
[Exhibit D - Excerpt from Part B \(Bid Protest Procedures\)](#)
[Exhibit E - Relevant Excerpt from Plans](#)
[APPROVED Resolution No. 19-84](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-84

- 10.13. [ID-2019-269](#)** 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 \$80,000 To An Amount Not To Exceed \$465,000 For Facilities Maintenance Of City Owned Buildings for Fiscal Year 2018-19 Using Funds Sufficient And Available For Appropriation in Fund 650 Major Maintenance - Account 77030. (Andrew Clough / Daraja Wagner)

Attachments: [Staff Report](#)

[Draft Resloution](#)

[Maintenance Contract FY 18-19](#)

[Maintenance Contract Amendment 1](#)

[APPROVED Resolution No. 19-85](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-85

- 10.14. [ID-2019-270](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Maintenance Contract With Integrity Construction Maintenance, Inc. In An Amount Not To Exceed \$200,000 For Facilities Maintenance Of City Owned Buildings For Fiscal Year 2019/2020. (Andrew Clough / Joseph Aguilera)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Signed Integrity Contract for FY 19-20](#)

[APPROVED Resolution No. 19-86](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-86

- 10.15. [ID-2019-294](#)** Resolution of the City Council of the City of Emeryville Authorizing the City Manager to Execute a New Agreement with the County of Alameda that Governs the Provision of Emergency Medical Services and First Responder Advanced Life Support (FRALS) for the Term of July 1, 2019 to June 30, 2024. (Christine Daniel)

Attachments: [Staff Report](#)

[Supplemental Staff Report](#)

[Draft Resolution](#)

[FRALS Contract](#)

[APPROVED Resolution No. 19-87](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-87

11. PUBLIC HEARINGS

- 11.1. [ID-2019-293](#) Resolution of the City Council of the City of Emeryville Granting a Waiver from the Noise Ordinance to Pacific Gas & Electric Company for Work Beginning on Monday, July 8, 2019, at 6:00 P.M. Through Tuesday, July 9, 2019, Until 11:59 P.M. to Perform Strength Testing on a Gas Transmission Pipeline That Runs Under Hollis Street from the City of Oakland Boundary At the Southern End to the City of Berkeley Boundary At the Northern End (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](#)
[Public Hearing Notice](#)
[APPROVED Resolution No. 19-88](#)

The Council waived staff's presentation.

PUBLIC HEARING OPEN: 7:28 p.m.

There was no public testimony given.

PUBLIC HEARING CLOSED: 7:28 p.m.

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

Enactment No: Resolution No. 19-88

12. ACTION ITEMS

- 12.1. [ID-2019-191](#) Introduction and First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Section 8-24.01 Of The Emeryville Municipal Code To Include Certain Demolition Waste Containing Polychlorinated Biphenyls (PCBs); CEQA Determination: Exempt Pursuant to CEQA Guideline Sections 15061(b)(3) and 15307. (Andrew Clough / Nancy Humphrey)

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

Public Works Director Andrew Clough gave the staff presentation and

responded to Council Member questions. It was noted that there was a clerical error on the agenda which incorrectly cited Section 8-24.01 of the Emeryville Municipal Code. The associated staff report and draft ordinance correctly cited Section 8-26.01.

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

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

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

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

- 12.2.** [ID-2019-255](#) Consideration Of Park And Recreation Committee Recommendation For Potential Park Bond on the November 2019 Ballot. (Pedro Jimenez / Brad Helfenberger)

Attachments: [Staff Report Park Bond - Information](#)

Community Services Director Pedro Jimenez gave the staff presentation and responded to Council Member questions.

Committee Chair Jack Ghizzoni made a short statement regarding the recommendation.

Following Council discussion, direction was given for the Budget and Governance Committee to work together with the Parks and Recreation Committee to develop a more specific recommendation for future Council consideration.

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 8:04 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