



Emeryville City Hall
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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, September 3, 2019

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:29 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 Vice Mayor Patz, 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

No Special Orders were listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

No announcement was made.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez expressed her thanks for the recent Rotten City Block Party. Vice Mayor Patz reported on his attendance of the Housing Authority Meeting, and stated that he had been elected as Vice President. He also reported having attended the recent League of California Cities meeting, where a presentation on the upcoming US Census had been given. Council Member Donahue also stated

that he had enjoyed Block Party. Mayor Medina reported that she had attended the ECDC graduation ceremony.

7. CITY MANAGER'S REPORT

City Manager Daniel commented on the successful Block Party and reported that the recent employee recognition event had honored, among others, four employees with a tenure of 30 years. She provided a reminder about the upcoming coastal cleanup event, and made comments in recognition of Public Works Director Andrew Clough who had resigned from the City of Emeryville to pursue another opportunity.

8. EX PARTE COMMUNICATIONS

Council Members Martinez and Donahue reported having communication with a representative from Orton Development, Inc. regarding the art center project.

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

Andre Carpiaux spoke about the need for parks in Emeryville, and traffic congestion.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Patz, seconded by Council Member Martinez, to approve the Consent 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

10.1. [ID-2019-420](#) Warrants. (Susan Hsieh)

Attachments: [Staff Report](#)

[Wire Transfers](#)

[Check Register](#)

A motion was made to accept this Informational Report.

10.2. [ID-2019-409](#) Action Minutes of the July 23, 2019 Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency / Management of Emeryville Services Authority Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2019-410](#) Action Minutes of the July 23, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2019-402](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Second Amendment To The Exclusive Right To Negotiate Agreement With Orton Development Inc. (ERN) For The Purpose Of Negotiating A Lease Disposition And Development Agreement For The Redevelopment And Operation Of 4060 Hollis Street As An Art Center To: (1) Extend The ERN Term To December 16, 2019, (2) Authorize An Additional Sixty Day Extension If Needed, And (3) Authorize The Execution Of Additional Minor Amendments As Necessary To Effectuate The Purpose of The ERN. (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Second Amendment to ERN](#)

[First Amendment to ERN](#)

[Exclusive Right to Negotiate Agreement](#)

[APPROVED Resolution No. 19-126](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-126

- 10.5.** [ID-2019-397](#) Resolution Of The City Council Of The City Of Emeryville To Accept A Grant In The Amount Of \$4,000 From The Target Corporation, To The Emeryville Police Department To Be Used For Community Outreach Events And Partnership Events With Emeryville Target And Said Grant Be Deposited Into The Grant Fund 254 And Appropriated To Spend In The Same Fund. (Jennifer Tejada / Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Grant Application](#)

[APPROVED Resolution No. 19-127](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-127

- 10.6.** [ID-2019-418](#) Resolution Of The City Council Authorizing The City Manager To Accept A Grant Award In The Amount Of \$45,000 From The California Office Of Traffic Safety, Selective Traffic Enforcement Program (STEP) For Funds Related To Improving Traffic, Bicycle,

And Pedestrian Safety Within The City And That The Grant Funds Be Deposited Into Grant Fund 254 And Appropriated To Spend In The Same Fund. (Jennifer Tejada / Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Grant Agreement](#)

[APPROVED Resolution No. 19-128](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-128

- 10.7.** [ID-2019-398](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 1 To The Professional Services Agreement With EKI Water And Environment Inc. (EKI) For Soil Offhaul Services At APN 049-1041-026-16 Related To The Development of the Sherwin Williams Project; And Appropriating \$68,314 from the General Capital Fund (Fund 475). (Andrew Clough / Michael Roberts)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[PSA Amendment 1](#)

[Original PSA with EKI](#)

[APPROVED Resolution No. 19-129](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-129

- 10.8.** [ID-2019-400](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Agreement With OTG EnviroEngineering Solutions, Inc., Increasing The Total Compensation Amount By \$99,268, For A Total Amount Not To Exceed \$206,284; And to Extend the Term to June 30, 2021, For Environmental Work Required By The Alameda County Department Of Environmental Health(Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[OTG First Amendment](#)

[Exhibit A-1 Proposal](#)

[OTG Original Agreement](#)

[APPROVED Resolution No. 19-130](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-130

- 10.9.** [ID-2019-399](#) An Ordinance Of The City Council Of The City Of Emeryville Repealing Ordinance No. 19-007 Regarding Amendments To Chapter 37 Of Title 5 Of The City Of Emeryville Municipal Code, "Minimum Wage, Paid Sick Leave, And Other Employment Standards"; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Sections 15324 And 15061(b)(3). (Sheri Hartz)

Attachments: [Staff Report](#)[Attachment 1 - Staff Report from July 23, 2019.pdf](#)[Draft Ordinance](#)[APPROVED Ordinance No. 19-010](#)**A motion was made to approve the second reading and adoption of this Ordinance.**

Enactment No: Ordinance No. 19-010

11. PUBLIC HEARINGS

- 11.1.** [ID-2019-403](#) Resolution Of The City Council Of The City Of Emeryville Adopting The 2019-2024 Local Hazard Mitigation Plan And Amending The Text On Page 6-13 Of The Safety Element Of The General Plan And The Text Of Action CSN-A-10, Implementation Actions For Conservation, Safety And Noise And Adding The Local Hazard Mitigation Plan As An Appendix To The Safety Element Of The General Plan (CEQA Determination: Exempt Per State CEQA Guidelines Sections 15308 And 15061(B)(3)). (Charles S. Bryant / Lisa Lopez / Lori Elefant)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - 2019-2024 Local Hazard Mitigation Plan](#)[APPROVED Resolution No. 19-131](#)

Human Resources Management Analyst Lori Elefant gave the staff presentation and responded to Council Member questions.

PUBLIC HEARING OPEN: 7:53 P.M.

1. Fran Quittel spoke regarding text on page 19 of the Plan, which was regarding urban wildfire, page 23 regarding earthquakes and page 102 LUP 13 and 14, regarding building heights.

2. Andre Carpiaux spoke regarding climate change and global

warming.

PUBLIC HEARING CLOSED: 7:58 P.M.

A motion was made by Council Member Donahue, seconded by Council Member Bauters, 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. 19-131

12. ACTION ITEMS

No Action Items were listed.

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2019-401](#) Planning Director's report on Planning Commission actions at the August 22, 2019 meeting:

- (a) Marketplace Redevelopment Project, "Parcel C". Consideration of a modification to the conditions of approval of Final Development Plan FDP13-001, which was approved by the Planning Commission on May 28, 2015, to allow additional commercial uses. The existing permitted commercial use for the newly constructed 30,000 square foot building is a grocery store.*
- (b) Temporary Emergency Family Shelter. Consideration of a Conditional Use Permit, Design Review, and Exception to Standards application for a proposed temporary emergency shelter for families at the former City Recreation Center located at 4300 San Pablo Avenue.*
- (c) 58Fifty Shellmound Project. A third study session to review a Conditional Use Permit and Design Review proposal to demolish an existing 61,000 square foot three-story office building at 5850 Shellmound Way and replace it with an eight-story building accommodating 244 rental residential units with about 10,000 square feet of ground floor commercial space.

* 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.

The packet for the August 22, 2019 Planning Commission meeting

c a n b e v i e w e d o n l i n e a t
[http://ca-emeryville.civicplus.com/Archive.aspx?
AMID=43&Type=Recent](http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent)

At 8:07 p.m., the Council recessed into Closed Session. They returned to their Regular Meeting at 8:20 p.m.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Mayor Medina requested and received majority support to add an item on a future Council agenda related to housing for the formerly incarcerated, known as the Fair Chance Housing Ordinance.

Council Member Bauters requested an item on the next Council agenda to discuss directing staff to prepare draft loan and regulatory documents related to the property at 3600, 3610 and 3620 San Pablo Avenue. He also requested an item to discuss whether to direct staff to investigate the deaccession process being undertaken by the City of Berkeley for pieces of sculpture, and whether there was a possibility for Emeryville to acquire those pieces. This matter will be referred to the Public Art Committee for further discussion. Finally, Council Member Bauters requested and received support for a Council referral to the Public Works/Transportation Committee's September agenda a high level discussion related to potential improvements to intersection and pedestrian safety.

15. ADJOURNMENT

The meeting adjourned at 8:32 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council

/Thai Nam Pham/

Thai Nam Pham, Deputy City Clerk