



Emeryville City Hall
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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

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

Tuesday, December 3, 2019

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:33 p.m.

2. ROLL CALL

Present: 5 - Mayor Christian R. Patz
Vice Mayor Dianne Martinez
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Ally Medina

3. APPROVAL OF FINAL AGENDA

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

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

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

There was no announcement made.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Medina wished Emeryville resident Edith Otto a happy 100th birthday.

7. CITY MANAGER'S REPORT

City Manager Daniel announced that the cancellation of the Holiday Parade due to expected poor weather conditions, but invited everyone

to attend festivities in the lobby at City Hall.

8. EX PARTE COMMUNICATIONS

Council Members Bauters and Medina reported that, regarding Item 12.2, they had communicated with the Alameda County Labor Council, Local 55, SEIU 1021, and the EPOA. The remaining Council Members reported the same contacts, except they had not communication with EPOA.

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

A speaker reported that his public records requests had not been filled in a timely manner.

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. The motion carried by the following vote:

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

10.1. [ID-2019-596](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

10.2. [ID-2019-574](#) Action Minutes of the November 7, 2019 Emeryville City Council Special Joint Meeting with the Emeryville Unified School District Board. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2019-575](#) Action Minutes of the November 19, 2019 Emeryville City Council Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2019-576](#) Action Minutes of the November 19, 2019 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2019-577](#) Action Minutes of the November 19, 2019 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.6.** [ID-2019-578](#) Action Minutes of the November 19, 2019 Emeryville City Council Regular Meeting Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.7.** [ID-2019-516](#) Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2018-2019 (Charles S. Bryant)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Impact Fee Annual Report FY 18-19](#)

[APPROVED Resolution No. 19-156](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-156

- 10.8.** [ID-2019-571](#) South Bayfront Pedestrian-Bicycle Bridge and Horton Landing Park. (Christine Daniel, Acting Director of Public Works)

Attachments: [Staff Report](#)

- 10.8.1** [ID-2019-598](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Second Amendment To Temporary Construction Access Agreement With BRE-BMR 53RD, LP For South Bayfront Pedestrian Bicycle Bridge Project

Attachments: [Draft Resolution](#)

[Second Amendment: Contruction Access Agreement](#)

[APPROVED Resolution No. 19-157](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-157

- 10.8.2** [ID-2019-599](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Second Amendment To Grant of Easement Agreement With BRE-BMR 53RD, LP For

South Bayfront Pedestrian Bicycle Bridge Project

Attachments: [Draft Resolution](#)

[Second Amendment: Grant of Easement Agreement](#)

[Easement Map](#)

[APPROVED Resolution No. 19-158](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-158

- 10.9.** [ID-2019-572](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To Contract #CSPP-9008 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2019-2020 In An Amount Not To Exceed \$184,604; To Execute Any Future Amendments To Contract #CSPP-9008; And Appropriate Said Funds When Received To Accounts 230-53600 and 230-52300. (Pedro Jimenez)

Attachments: [Staff Report](#)

[CSPP-9008 Current Executed Contract](#)

[Draft Resolution](#)

[CSPP-9008 Proposed Amendment 1](#)

[APPROVED Resolution No. 19-159](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-159

- 10.10.** [ID-2019-544](#) Adoption Of 2019 California Building Standards Code And Local Amendments (Charles S. Bryant / Victor Gonzales)

Attachments: [Staff Report](#)

[Attachment 1 - Staff Report from November 19, 2019](#)

A motion was made to approve this Other Item.

- 10.10.** [ID-2019-545](#)
1 An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9 And 10 Of Title 8 Of The Emeryville Municipal Code, Entitled "Building Regulations", And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code (CEQA Determination: Exempt Pursuant To CEQA Guidelines 15061(b)(3) And 15378(b)(2))

Attachments: [Draft Ordinance - Building Code](#)

[APPROVED Ordinance No. 19-012](#)

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

Enactment No: Ordinance No. 19-012

10.10. [ID-2019-546](#)

2

An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapter 5 Of Title 4 Of The Emeryville Municipal Code, Entitled "Fire Code" And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code (CEQA Determination: Exempt Pursuant To CEQA Guidelines 15061(b)(3) And 15378(b)(2))

Attachments: [Draft Ordinance - Fire Code](#)

[APPROVED Ordinance No. 19-013](#)

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

Enactment No: Ordinance No. 19-013

11. PUBLIC HEARINGS

There were no Public Hearings listed.

12. ACTION ITEMS

12.1. [ID-2019-548](#)

Economic Development Strategy Annual Implementation Report (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Attachment 1 - Annual Implementation Report 2019](#)

[Attachment 2 - Economic Development Strategy](#)

Economic Development Manager Chad Smalley gave the staff presentation and responded to Council questions.

12.2. [ID-2019-581](#)

City Council Consideration of Placing a Measure Requesting Voter Approval Of A Special Sales And Use Tax On The March 3, 2020 Ballot. (Christine Daniel)

Attachments: [Staff Report](#)

[Late Correspondence - Alameda Labor Council AFL-CIO](#)

City Manager Daniel gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

1. Lance Goodfellow, representing EPOA, spoke in support of the sales tax measure being placed on the ballot.

2. Miroo Desai, SEIU Chapter President, spoke in support of the sales

tax measure, but asked that the language allowing CIP funding as a Permissible Use be removed.

3. Ruth Major spoke in support of the sales tax measure.

- 12.2.1** [ID-2019-587](#) Resolution Of The City Council Of The City Of Emeryville Calling A Special Municipal Election On March 3, 2020; Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Approve A Quarter-Cent Special Transactions And Use Tax; Requesting That the Alameda County Board Of Supervisors Permit Consolidation Of The Emeryville Special Municipal Election With The Statewide Direct Primary Election To Be Held On The Same Date; Requesting That The County Registrar Perform Certain Election Services In Connection With Said Consolidated Election; Authorizing The City To Reimburse The County Registrar Of Voters For Election Services Performed; Directing The City Attorney To Prepare An Impartial Analysis; And Authorizing The Filing Of Direct Argument For The Measure And Rebuttal Argument (CEQA Determination: Exempt Pursuant To CEQA Guidelines 15378(b)(4) And 15061(b)(3)). (Sheri Hartz)

Attachments: [Draft Resolution](#)

[APPROVED Resolution No. 19-160](#)

A motion was made by Council Member Bauters, seconded by Vice Mayor Martinez, to approve this Resolution as amended to delete the phrase "and/or Capital Improvement Projects" from Section 3-3.354 (a) (6) of the ordinance, Permissible Uses. The motion carried by the following vote:

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

Enactment No: Resolution No. 19-160

- 12.2.2** [ID-2019-588](#) An Ordinance Adding Article 3.5, "Transactions and Use Tax," Imposing A Transactions And Use Tax To Be Administered By The California Department Of Tax And Fee Administration, To Chapter 3 of Title 3 of the Emeryville Municipal Code (Sheri Hartz)

Attachments: [Draft Ordinance](#)

This Item is an Exhibit to the resolution listed above.

- 12.3.** [ID-2019-595](#) Resolution Of The City Council Of The City Of Emeryville Adopting The City Council Regular Meeting Calendar For February 2020 Through January 2021. (Sheri Hartz / Lorrayne Leong)
(In Conjunction With Successor Agency Regular Meeting

Agenda Item 7.1)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[2020 City Council Regular Meeting Calendar](#)
[APPROVED Resolution No. 19-161](#)

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

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

Enactment No: Resolution No. 19-161

- 12.4. [ID-2019-590](#)** Resolution Of The City Council Of The City Of Emeryville Appointing City Council Members To City Council Committees For Calendar Year 2020; And Amending The FY2019-20 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

Attachments: [Staff Report](#)
[2019 City Council Committees Rosters](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-162](#)

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

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

Enactment No: Resolution No. 19-162

- 12.5. [ID-2019-591](#)** Resolution Of The City Council Of The City Of Emeryville Appointing City Council Members To Serve As Council Member Liaisons To The City's Community Advisory Committees For Calendar Year 2020; And Amending The FY2019-20 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-163](#)

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

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

Enactment No: Resolution No. 19-163

- 12.6.** [ID-2019-580](#) Resolution Of The City Council Of The City Of Emeryville Appointing City Council Representatives To Various County, Regional And Statewide Boards, Commissions And Committees For Calendar Year 2020; Appointing _____ To The Alameda County Mosquito Abatement District For A Term Commencing January 1, 2020, And Ending December 31, _____; Publicly Notice FPPC Form Number 806 As Required By FPPC Regulation 18705.5; And Amending The 2020 City Roster Of County, Regional And Statewide Bodies Accordingly. (Sheri Hartz / Lorrayne Leong)

Attachments: [Staff Report](#)

[2019 City Roster of County, Regional and Statewide Bodies](#)

[2019 FPPC Form 806](#)

[Draft Resolution](#)

[APPROVED Resolution No. 19-164](#)

A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve this Resolution appointing City Council representatives to various County, Regional and Statewide bodies for calendar year 2020, and appointing Betsy Cooley to the Alameda County Mosquito Abatement District for a term commencing on January 1, 2020 and ending on December 31, 2023. The motion carried by the following vote:

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

Enactment No: Resolution No. 19-164

- 12.7.** [ID-2019-600](#) Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For Council Member Succession In The Event Of A Declared Emergency For Calendar Year 2020. (Sheri Hartz / Lorrayne Leong)

Attachments: [Staff Report](#)

[2019 Standby Officers Roster](#)

[Government Code Sections 8635-8644](#)

[Draft Resolution](#)

[2020 Standby Officers Roster \(Exhibit A\)](#)

[APPROVED Resolution No. 19-165](#)

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

carried by the following vote:

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

Enactment No: Resolution No. 19-165

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

No future agenda items were requested.

15. ADJOURNMENT

The meeting adjourned at 8:20 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