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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

#### AMENDED

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Tuesday, December 17, 2019

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 7:17 p.m.

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

#### 2. ROLL CALL

#### 3. APPROVAL OF FINAL AGENDA

A motion was made by Vice Mayor Martinez, seconded by Council Member Medina, 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

4.1. [ID-2019-631](#) Proclamation: International Day to End Violence Against Sex Workers  
Mayor Patz read the proclamations aloud and presented them to Matthew Paden and Toni Newman of St. James Infirmary.

4.2. [ID-2019-632](#) Proclamation: Recognizing St. James Infirmary for its Work on Behalf of Sex Workers

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

The City Clerk announced that a recruitment would open soon to fill an impending vacancy on the Planning Commission, as well as some other remaining committee vacancies.

**7. CITY MANAGER'S REPORT**

There was no report given.

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

There were no reports from Council Members.

**8. EX PARTE COMMUNICATIONS**

Vice Mayor Martinez reported having discussed Item 12.4 with several people at Stop Waste. Council Member Bauters reported that, regarding Items 11.1, 11.2 and 11.3, he had spoken with Rhett Rosen from Trader Vic's, Anna Nikitaras from the Bank Club and Kecia Johnson from Rob Ben's, respectively. He also reported having spoken with Betsy Cooley regarding Item 12.2.

**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 Council Member Donahue, seconded by Council Member Medina, 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-2019-627](#)** Warrants. (Susan Hsieh)

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

**A motion was made to accept this Informational Report.**

**10.2. [ID-2019-624](#)** Action Minutes of the December 3, 2019 Emeryville City Council Special Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

**10.3. [ID-2019-626](#)** Action Minutes of the December 3, 2019 Emeryville City Council Regular Meeting Session. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.4. [ID-2019-623](#) 1st Quarter Fiscal Year 2019-20 Financial Update. (Susan Hsieh)

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

**A motion was made to accept this Informational Report.**

- 10.5. [ID-2019-579](#) Resolution Of The Emeryville City Council Authorizing The City Manager To Purchase Two Marked Ford Explorer Police Enforcement Vehicles, In A Total Amount Not To Exceed \$77,706.90, From Folsom Lake Ford. (Chief Tejada / Mike Allen)

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

[Draft Resolution](#)

[Patrol Vehicle Price Quote](#)

[APPROVED Resolution No. 19-166](#)

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

Enactment No: Resolution No. 19-166

- 10.6. [ID-2019-609](#) Resolution Of The City Council Of The City Of Emeryville Authorizing An Application For, And Receipt Of, Alameda County Area Agency On Aging Supportive Services Program For Senior Center Activities; Authorizing The City Manager To Execute Funding Agreements And Amendments Through June 30, 2022 With The Alameda County Area Agency On Aging; And To Appropriate The Funds To Account Number 5460-51100. (Pedro Jimenez / Brad Helfenberger)

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

[Draft Resolution](#)

[SS-2018 Request for Proposal](#)

[SS-2018 Acceptance Letter](#)

[APPROVED Resolution No. 19-167](#)

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

Enactment No: Resolution No. 19-167

- 10.7. [ID-2019-611](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Lumec Streetlight LED Retrofit Project, EPW 106-16 (CIP No. 15475015), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Christine Daniel / Ryan O'Connell)

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

[Draft Resolution](#)

[APPROVED Resolution No. 19-168](#)

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

Enactment No: Resolution No. 19-168

- 10.8. [ID-2019-606](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment With DC Electric Group Inc. In The Amount Of \$160,936.42 For On-Call Maintenance For City Traffic Signals, Streetlights, And Safety Lighting Repair For A Total Contract Amount Not To Exceed \$205,936.42. (Christine Daniel / Ryan O'Connell).

**Attachments:** [Staff Report](#)[Draft Resolution](#)[DC Electric Contract \(Initial\)](#)[DC Electric Contract First Amendment](#)[Exhibit A-1 - First Amendment Added Work](#)[APPROVED Resolution No. 19-169](#)**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-169

- 10.9. [ID-2019-602](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Two And A Half (2 ½) Year Maintenance Contract In The Amount Of \$238,031.64 With Contract Sweeping Services For The Street Sweeping Of City Owned Streets, EPW 19-115 For Fiscal Years 2019/20, 2020/21, & 2021/22 In The Prorated Amount Of \$56,916.66 For FY 2019/20, \$88,999.99 For FY 2020/21, & \$92,114.99 2021/22 And Authorizing The City Manager To Execute Up To Two (2) Additional One Year Extensions In The Amount Of 95,339.00, For FY 2022/23 & \$98,675.88 For FY 2023/24 Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Years For A Total Contract Amount Not To Exceed \$432,046.52. (Christine Daniel / Daraja Wagner)

**Attachments:** [Staff Report](#)[Draft Resolution](#)[Contract Street Sweeping Services Contract](#)[Exhibit A - Street Sweeping Map](#)[APPROVED Resolution No. 19-170](#)**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-170

- 10.10. [ID-2019-604](#) 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., In An Amount Of \$200,000 For A Total Contract Amount Not To Exceed \$400,000 For Facilities Maintenance Of City Owned Buildings Through Fiscal Year 2019-2020. (Christine Daniel / Daraja Wagner)

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

[Draft Resolution](#)

[Integrity Contract for Facilities Maintenance](#)

[Integrity Contract First Amendment](#)

[APPROVED Resolution No. 19-171](#)

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

Enactment No: Resolution No. 19-171

- 10.11.** [ID-2019-589](#) Resolution Of The City Council Of The City Of Emeryville To Approve The Updated Sewer System Management Plan (SSMP). (Christine Daniel / Keely Nelson)

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

[Draft Resolution](#)

[Sewer System Management Plan - Item Available Online](#)

[APPROVED Resolution No. 19-172](#)

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

Enactment No: Resolution No. 19-172

- 10.12.** [ID-2019-621](#) Resolution Of The City Council Of The City of Emeryville Re-Allocating In Fiscal Year 2019/2020 An Amount Of \$92,883 From Fund #650 (CIP No. 16650016); To CIP No. 16475013; And Authorizing The City Manager To Enter Into A Contract With Best Contracting Services, Inc. In An Amount Not To Exceed \$770,000 For The Construction Of The Child Development Center Rehabilitation Project No. EPW-19114, CIP No. 16475013. (Christine Daniel / Joseph Aguilera)

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

[Draft Resolution](#)

[Exhibit A - Best Contracting Services, Inc. Construction Contract](#)

[APPROVED Resolution No. 19-173](#)

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

Enactment No: Resolution No. 19-173

## **11. PUBLIC HEARINGS**

- 11.1. [ID-2019-612](#) Resolution of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Trader Vic's For Calendar Year 2020. (Chief Tejada)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Conditions of Approval](#)  
[Application](#)  
[APPROVED Resolution No. 19-174](#)

Council waived staff's presentation on Items 11.1, 11.2 and 11.3.

PUBLIC HEARING FOR ITEM 11.1 OPENED: 7:32 p.m.

There was no testimony given on Item 11.1

PUBLIC HEARING FOR ITEM 11.1 CLOSED: 7:33 p.m.

**A motion was made by Council Member Medina, seconded by Council Member Donahue, 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. 19-174

- 11.2. [ID-2019-613](#) 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 2020. (Chief Tejada)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Conditions of Approval](#)  
[Application](#)  
[APPROVED Resolution No. 19-175](#)

PUBLIC HEARING FOR ITEM 11.2 OPENED: 7:33 p.m.

1. Anna Nikitaras, Bank Club, spoke in support of the cabaret license being approved.

PUBLIC HEARING FOR ITEM 11.2 CLOSED: 7:34 p.m.

**A motion was made by Vice Mayor Martinez, 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. 19-175

- 11.3.** [ID-2019-614](#) Resolution of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Rob Ben's For Calendar Year 2020. (Chief Tejada)

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

[Draft Resolution](#)

[Conditions of Approval](#)

[Application](#)

[APPROVED Resolution No. 19-176](#)

**PUBLIC HEARING FOR ITEM 11.3 OPENED:** 7:36 p.m.

1. Kecia Johnson, Rob Ben's, spoke in support of the license being approved.

**PUBLIC HEARING FOR ITEM 11.3 CLOSED:** 7:37 p.m.

**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. 19-176

## **12. ACTION ITEMS**

- 12.1.** [ID-2019-622](#) 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, 2019. (Susan Hsieh)

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**Attachments:** [Staff Report](#)  
[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. 19-177](#)

Council waived staff's presentation on this item.

#### PUBLIC COMMENT

1. Bill Reuters, Chair of Budget advisory, recommended acceptance of the report.

Following Public Comment, City Manager Daniel provided some additional remarks about progress that was made over the past year.

**A motion was made by Council Member Bauters, seconded by Vice Mayor Martinez, to approve this Informational Report. 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. 19-177

- 12.2.** [ID-2019-619](#) Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (ETMA) 2020 Budget And Setting Compensation To The ETMA To Operate The Emery Go-Round Shuttle Service During The 2020 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Four Million, Thirty-Nine Thousand, Two Hundred And Twenty-Two Dollars (\$4,039,222); And Authorizing Payment From The Emeryville Property Based Business Improvement District Fund 805. (Susan Hsieh)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[ETMA 2020 Budget](#)  
[APPROVED Resolution No. 19-178](#)



Finance Manager Susan Hsieh gave the staff presentation and responded to Council Member questions.

**A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve this Informational Report. 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. 19-178

- 12.3.** [ID-2019-615](#) 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 2020. (Chief Tejada)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Calls for Service 2019 Report](#)  
[Application](#)  
[APPROVED Resolution No. 19-179](#)

The Council waived staff's presentation.

**A motion was made by Mayor Patz, 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. 19-179

- 12.4.** [ID-2019-620](#) Preferences Regarding A Possible Reusable Food Ware Ordinance. (Christine Daniel / Nancy Humphrey)

**Attachments:** [Staff Report](#)  
[Emeryville Ordinance No. 07-004](#)  
[StopWaste Memo](#)  
[StopWaste Topic Brief](#)  
[SB 1383 Summary Checklist](#)

Vice Mayor Martinez gave the presentation and responded to questions.

#### PUBLIC COMMENT

1. Alison Piccoli, California Restaurant Association, spoke regarding the potential impacts to restaurants of some of the proposed regulations.

Council discussion ensued, with general agreement being reached that a Countywide approach be taken, and providing input on a model ordinance for Vice Mayor Martinez to take back to Stop Waste.

### 13. DEPARTMENT HEAD REPORTS

Director Bryant gave the Planning Director's report.

City Manager Daniel, in her capacity as the Interim Public Works Director, reported that a notice to proceed had been issued for the South Bayfront Bridge project, anticipating a January 2020 start date. Regarding the Ashby interchange, she reported that the City had met with ACTC and agreed to reduce the study alternatives from six to three. She stated that staff's preferred design was the so-called "tight diamond" and that alternatives 4, 5 and 6 as options still in the running, with 1, 2 and 3 no longer being considered. She added that consideration of a contract for tree trimming would come forward to the Council at its January 21, 2020 meeting.

**13.1. [ID-2019-608](#)** Planning Director's report on Planning Commission actions at the December 12, 2019 meeting:

- (a) Marketplace Redevelopment Project, "Parcel B". Referral from the City Council for a report on an alternative proposal for a Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development. The proposal is an alternative to the design approved by the Planning Commission on May 14, 2019. The proposed alternative FDP includes 15,700 square feet of retail space, 150,000 square feet of office/lab space, and 500 parking spaces. The Commission will make a recommendation to the City Council.
- (b) Hilton Garden Inn Appeal. Consideration of an appeal of the Community Development Director's approval of a Minor Conditional Use Permit to convert existing storage and meeting rooms on the top floor of an existing hotel at 1800 Powell Street into 23 new guest rooms and to convert storage on the second floor into two new guest rooms. Pursuant to Planning Regulations Section 9-7.1404(b), the Planning Commission may either (1) affirm the decision of the Director and dismiss the appeal based on a determination that the facts ascertainable from the record do not warrant further hearing; (2) set a date for a public hearing on the appeal; or (3) remand the matter to the Director to cure a deficiency in the record or the proceedings.

- (c) BMR Emeryville Center of Innovation. Study Session to review a proposal for a Final Development Plan to construct two new multi-tenant research and development buildings and a supporting parking garage as part of implementation of the Emeryville Life Sciences Center Planned Unit Development/Preliminary Development Plan (PUD/PDP), also referred to as the "Chiron PUD/PDP", that was approved by the City Council on August 15, 1995.

The packet for the December 12, 2019 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

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

Council Member Bauters requested and received majority support for an item to come forward at a future meeting regarding providing a rebate for cabaret licenses.

Vice Mayor Martinez inquired about the timing of an item on cannabis delivery, and was informed that the item is planned for the second meeting in March.

#### **15. ADJOURNMENT**

The meeting adjourned at 8:36 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**