



CITY OF EMERYVILLE
AGENDA
City Council

Emeryville City Hall
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Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
www.emeryville.org

Members:

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

Tuesday, March 19, 2019

7:16 PM

Council Chambers

A COMPLETE COPY OF THE AGENDA PACKET IS AVAILABLE FOR PUBLIC VIEWING IN THE CITY CLERK'S OFFICE AT 1333 PARK AVENUE, AND THE GOLDEN GATE BRANCH OF THE OAKLAND PUBLIC LIBRARY, 5606 SAN PABLO AVENUE. ADDITIONAL PUBLIC VIEWING & REPRODUCTION AT THE UPS STORE, 2340 POWELL STREET, FROM THE FRIDAY BEFORE THE COUNCIL MEETING. ALL WRITINGS THAT ARE PUBLIC RECORDS AND RELATE TO AN AGENDA ITEM BELOW WHICH ARE DISTRIBUTED TO A MAJORITY OF THE LEGISLATIVE BODY LESS THAN 72 HOURS PRIOR TO THE MEETING NOTICED ABOVE WILL BE MADE AVAILABLE AT THE INFORMATION COUNTER AT CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CALIFORNIA DURING NORMAL BUSINESS HOURS (9AM TO 5PM., MONDAY THROUGH FRIDAY, EXCLUDING LEGAL HOLIDAYS). THE MEETING IS SHOWN LIVE ON THE CITY OF EMERYVILLE TELEVISION CHANNEL (ETV), CABLE CHANNEL 27, AND WILL BE REBROADCAST AS PART OF THE REGULAR CITY COUNCIL, SUCCESSOR AGENCY, COMMUNITY DEVELOPMENT COMMISSION, MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY (MESA) AND RELATED MEETINGS ACCORDING TO THE PUBLISHED ETV SCHEDULE OF PROGRAMS. THESE MEETINGS WILL ALSO BE AVAILABLE THROUGH LIVE MEDIA STREAMING ACCESSIBLE FROM THE CITY OF EMERYVILLE WEBSITE AT [HTTP://WWW.EMERYVILLE.ORG](http://WWW.EMERYVILLE.ORG).

You can request free copies of the Emeryville City Council, Successor Agency, Community Development Commission, Management of Emeryville Services Authority (MESA) and related agendas in digital format for the current calendar year by going to our website at <http://www.emeryville.org> and clicking on "Notify Me". Simply fill out your information, check "City Council Agendas", and click the "Subscribe" button. By doing so, you will automatically receive all of the agendas for the year via email.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to adopt. Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Presiding Officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the Hearing is closed and brought back to Council level for discussion and action. There is no further comment permitted from the audience unless requested by the Council.

The speaker's time is limited to 3 minutes and can only be extended upon approval of the Presiding Officer. Any person who desires to address the City Council on any item listed on the Agenda under the Consent Calendar, or on a matter not on the Agenda which item is within the subject matter jurisdiction of the City Council, may do so during that portion of the Agenda called Public Comment.

In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this meeting should contact the City Clerk's Office or ADA Coordinator at (510) 596-4300, as far in advance as possible but no later than 72 hours before the scheduled event. The best effort to fulfill the request will be made. Assistive listening devices are available for anyone with hearing difficulty from the City Clerk prior to the meeting, and must be returned to the City Clerk at the end of the meeting.

No animals shall be allowed at or brought in to a public meeting by any person except (i) as to members of the public or City staff utilizing the assistance of a service animal, which is defined as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability, or (ii) as to police officers utilizing the assistance of a dog(s) in law enforcement duties.

The AGENDA for this regular meeting is as follows:

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF FINAL AGENDA**
- 4. SPECIAL ORDERS OF THE DAY**
- 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES**
- 6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE**
- 7. CITY MANAGER'S REPORT**
- 8. EX PARTE COMMUNICATIONS**
- 9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA**
- 10. CONSENT ITEMS**
 - 10.1. [ID-2019-098](#) Warrants. (Susan Hsieh)
Attachments: [Staff Report](#)
[Wire Transfers](#)
[City Check Register](#)

- 10.2. [ID-2019-082](#) Action Minutes of the March 5, 2019 Emeryville City Council Special Meeting - Committee Reports. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.3. [ID-2019-083](#) Action Minutes of the March 5, 2019 Emeryville City Council Special Meeting - Legislative Review. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.4. [ID-2019-085](#) Action Minutes of the March 5, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.5. [ID-2019-074](#) Resolution Of The City Council Of The City Of Emeryville Approving The Installation Of Jeppe Hein's Artwork *Your Way* In The Public Park To Be Developed At The Former Sherwin Williams Site At 1450 Sherwin Avenue. (Charles S. Bryant / Chadrick Smalley / Amber Evans)
Attachments: [Staff Report](#)
[Attachment 1 - Public Art Imagery and Maintenance](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-22](#)
- 10.6. [ID-2019-075](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Donation Of *Cosmology 4*, An Art Work By Emeryville Artist Ann Holsberry. (Charles S. Bryant / Chadrick Smalley / Amber Evans)
Attachments: [Staff Report](#)
[Attachment 1 - Cosmology 4](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-23](#)
- 10.7. [ID-2019-077](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2018 General Plan Annual Progress Report And Authorizing Submittal To The Governor's Office Of Planning And Research And To The California Department Of Housing And Community Development. (Charles S. Bryant / Diana Keena / Catherine Firpo)
Attachments: [Staff Report](#)
[Residential Site Inventory Update](#)
[Draft Resolution](#)
[2018 General Plan Annual Progress Report](#)
[APPROVED Resolution No. 19-24](#)

- 10.8.** [ID-2019-081](#) 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 CTC, Inc., For An Additional Amount Not To Exceed \$128,870.50 For Quiet Zone Safety Engineering Measures, For A Total Contract Amount Not To Exceed \$419,611.49 And Appropriating \$128,870.50 From The General Capital Fund (Fund 475) To CIP Project No. T-04 (Account 19475008-91900). (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[First Contract Amendment \(CTC Inc\)](#)
[Exhibit A-1 Scope of Work Amendments.pdf](#)
[Exhibit B - Original Contract.pdf](#)
[APPROVED Resolution No. 19-25](#)

- 10.9.** [ID-2019-092](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Video Detection Traffic Signal Enhancement Project, EPW 17-101 (CIP No. 15475006), 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. 19-26](#)

- 10.10.** [ID-2019-043](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids For The Construction Of Active Transportation Program ("ATP") Greenway Crossing Improvements At 65th, 66th, And 67th Streets, Project No. EPW-18106, CIP No. 19254005; CEQA Determination: Exempt Pursuant To 15301(c). (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Project Overview Map](#)
[APPROVED Resolution No. 19-27](#)

- 10.11.** [ID-2019-091](#) Resolution Of The City Council Of The City of Emeryville Appropriating In Fiscal Year 2018/2019 Amounts Of \$44,000 From Measure B - VLF (Fund #238) And \$32,000 From Measure BB - Bicycle and Pedestrian (Fund #264); Re-Allocating In Fiscal Year 2018/2019 An Amount Of \$64,995 From CIP No. 15240017; Increasing Appropriations In Fiscal Year 2018/2019 By \$20,455 From 1999 Bond Funds (Fund #444); And Authorizing The City Manager To Enter Into A Contract With Ray's Electric In An Amount Not To Exceed \$719,500 For The Construction Of Traffic Signals At 40th Street - Harlan Street And Powell Street - Doyle Street, Project No. EPW 17-113, CIP No. 03444125 And 16475001. (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Contract](#)

[Exhibit B - Project Map](#)

[APPROVED Resolution No. 19-28](#)

- 10.12.** [ID-2019-102](#) Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 24 Of Title 5 Of The Emeryville Municipal Code, "Parks"; CEQA Determination Exempt Pursuant to CEQA Guideline 15061(b)(3). (Pedro Jimenez)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 19-003](#)

- 10.13.** [ID-2019-095](#) Ordinance To Repeal Section 5-28.10(d) Of The Emeryville Municipal Code, "Cannabis"; CEQA Determination Exempt Pursuant to CEQA Guideline 15061(b)(3). (Michael Guina / Andrea Visveshwara)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 19-004](#)

11. PUBLIC HEARINGS

- 11.1. [ID-2019-079](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To King Crane Service For Saturday Work On March 23, 2019, With A Backup Date Of March 30, 2019, Between The Hours Of 9:00 A.M. And 9:00 P.M. For Two Cranes To Remove And Replace 18 Rooftop Air Handling Units At 1400 65th Street (APN: 49-1510-3-1) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Applicant Request Letter](#)

12. ACTION ITEMS

- 12.1. [ID-2019-076](#) Resolution Of The City Council Of The City Of Emeryville Setting A Public Hearing Date Of April 16, 2019 To Consider The Appeal Of Wareham Development Of The Planning Commission's January 24, 2019 Approval Of A New Final Development Plan (FDP) For "Parcel B" Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-12) To Replace And Rescind Final Development Plan FDP15-001 That Was Approved By The Planning Commission On June 23, 2016 (APN: 49-1556-16). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Attachment 1 - Appeal Letter](#)

[Draft Resolution](#)

[Administrative Item - Planning Commission Staff Report - Marketplace Parcel](#)

[Administrative Item - Marketplace Parcel B Planning Commission Correspond](#)

[Administrative Item - 01/24/2019 Planning Commission Action Minutes FINAL](#)

[Administrative Item - Planning Commission Resolution No. FDP18-001](#)

[Administrative Item - Marketplace Parcel B Office Conditions of Approval](#)

[APPROVED Resolution No. 19-29](#)

- 12.2.** [ID-2019-078](#) Introduction and First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 13, "Dockless Shared Mobility Systems," to Title 4 Of The Emeryville Municipal Code To Establish Regulations And New Permits To Operate Dockless Shared Mobility Systems In The Public Right Of Way. (Nancy Humphrey / Andrew Clough)

Attachments: [Staff Report](#)
[Draft Ordinance \(Red-Lined\)](#)
[Coordination Agreement](#)
[Attachment A - Draft Fee Proposal](#)
[Late Correspondence - BIRD](#)

- 12.3.** [ID-2019-087](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Extension Of The Term Of The Collection Service Agreement Between The City Of Emeryville and Waste Management of Alameda County, Inc. For An Additional Five (5) Years From January 1, 2021 To December 31, 2025. (Susan Kattchee / Andrew Clough)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - Collection Agreement 2010-2020](#)
[Attachment B - Performance and Billing Review](#)
[APPROVED Resolution No. 19-30](#)

13. CITY COUNCIL OF THE CITY OF EMERYVILLE AS DISASTER COUNCIL

- 13.1. [ID-2019-101](#) Approval by The City Council Of The City Of Emeryville As Disaster Council Of The City Of Emeryville Adopting The Community Emergency Response Team (CERT) Program Guidelines and Code of Conduct and Authorizing the March 26, 2019 through April 11, 2019 CERT Academy Training. (Lisa Lopez / Lori Elefant)

Attachments: [Staff Report](#)

[City of Emeryville CERT Program Guidelines](#)

[CERT Code of Conduct](#)

[CERT Emeryville Flyer 2019](#)

14. DEPARTMENT HEAD REPORTS**15. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS****16. ADJOURNMENT**

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2019-086](#) **Please Note:** This list is for informational purposes only. All items shown here are **tentative** at this time and are not confirmed until the agendas for the meeting dates are published and posted, 11 days prior to the meeting. Other items may be added. Also note that this list shows working titles, which may be revised slightly before the item becomes final.

April 2, 2019 City Council Meeting

- Proclamation: Honoring Catherine Firpo on her Retirement
- Public Hearing: Cabaret License, Rudy's Can't Fail Cafe
- General Fund Baseline Budget Presentation
- Commission on Aging Appointments to Fill Vacancies

April 16, 2019 City Council Meeting

- Public Hearing: Wareham Appeal of PC Approval of Marketplace Parcel B
- Public Hearing: Updated Development Impact Fees for Fiscal Year 2019-2020
- Public Hearing: Fee Schedule for Dockless Shared Mobility
- ETMA Appointments
- Community Grant Selection
- Labor Standards Annual Report/Business Survey

When published, the packets for City Council meetings can be viewed online at

www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive.

THE NEXT REGULAR MEETING WILL BE ON APRIL 2, 2019, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608