



CITY OF EMERYVILLE  
**AGENDA**  
City Council

Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608  
(510) 596-4300 phone  
(510) 450-7831 fax  
[www.emeryville.org](http://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

--AMENDED--

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**Tuesday, May 21, 2019**

**7:16 PM**

**Council Chambers**

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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-2019-202](#) Warrants. (Susan Hsieh)**

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

- 10.2.** [ID-2019-192](#) Action Minutes of the May 7, 2019 Emeryville City Council Closed Session Special Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.3.** [ID-2019-194](#) Action Minutes of the May 7, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4.** [ID-2019-207](#) Resolution Of The City Council Of The City Of Emeryville To Proclaim The Month Of May As Older Americans Month. (Pedro Jimenez / Brad Helfenberger)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[ADOPTED Resolution No. 19-48](#)
- 10.5.** [ID-2019-199](#) Resolution Of The City Council Of The City Of Emeryville Appropriating In Fiscal Year 2018/2019 \$15,000 From Fund 204; And Authorizing The City Manager To Enter Into A Professional Services Agreement With HF&H Consultants, LLC, In The Amount Of \$15,000 For Analysis Of Proposed Contract Terms For The City's Collection Service Agreement With Waste Management Of Alameda County. (Andrew Clough / Nancy Humphrey)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[WMAC Response Letter](#)  
[Contract](#)  
[Exhibit A Proposal](#)  
[ADOPTED Resolution No. 19-49](#)
- 10.6.** [ID-2019-190](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations To Allow The Research and Development Use Type In The Mixed Use With Residential Zone (CEQA Status: General Plan EIR Certified by City Council on October 13, 2009). (Charles S. Bryant / Navarre Oaks)  
**Attachments:** [Staff Report](#)  
[Attachment 1 - Staff Report from May 7, 2019](#)  
[Draft Ordinance](#)  
[APPROVED Ordinance No. 19-006](#)

## 11. PUBLIC HEARINGS

## 12. ACTION ITEMS

- 12.1. [ID-2019-164](#) South Bayfront Pedestrian-Bicycle Bridge and Horton Landing Park.  
(Andrew Clough)  
**Attachments:** [Staff Report](#)
- 12.1.1 [ID-2019-212](#) Resolution Of The City Council Of The City Of Emeryville Approving The Bid Results; Appropriating in Fiscal Year 2018/19 \$9,126,375 From General Capital Fund (Fund 475); Authorizing The City Manager To Enter Into A Contract With Ghilotti Construction Company, Inc. For An Amount Of \$21,370,206; And Authorizing The City Manager To Approve Payments Of Possible Additional Costs As Contingency Expenditures Up To \$2,201,521, All For The Construction Of The South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)  
**Attachments:** [Draft Resolution #1: Authorize Funding and Award Contract](#)  
[Bid Tally](#)  
[ADOPTED Resolution No. 19-50](#)
- 12.1.2 [ID-2019-213](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The Expenditure Of \$410,000 To Union Pacific Railroad As A Deposit For Flagging Costs, Track Restoration Costs And Engineering Oversight Costs As Required In The Executed Pedestrian Overcrossing Agreement For The Construction Of South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)  
**Attachments:** [Draft Resolution #2: Authorize Funds for UPRR Deposits](#)  
[ADOPTED Resolution No. 19-51](#)
- 12.1.3 [ID-2019-214](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 3 To The Professional Services Agreement With EKI Environment and Water, Inc. Granting A Time Extension To December 31, 2020 For Soil Services within the West Side of Railroad Tracks side of The Construction Of The South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)  
**Attachments:** [Draft Resolution #3: PSA Amendment EKI](#)  
[PSA Amendment 3 EKI West Side](#)  
[ADOPTED Resolution No. 19-52](#)

- 12.1.4** [ID-2019-215](#) 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 Environment and Water, Inc. Granting A Time Extension To December 31, 2020 For Soil Services within the East Side of Railroad Tracks side of The South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)  
**Attachments:** [Draft Resolution #4: PSA Amend 1](#)  
[PSA Amendment 1 EKI](#)  
[ADOPTED Resolution No. 19-53](#)
- 12.1.5** [ID-2019-216](#) Resolution Of The City Council Of The City Of Emeryville Approving The Payment Of Up To \$75,000 To East Bay Municipal Utility District For Water Service To The South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)  
**Attachments:** [Draft Resolution #5: EBMUD Meter Fees](#)  
[ADOPTED Resolution No. 19-54](#)
- 12.2.** [ID-2019-200](#) Introduction And First Reading Of An Ordinance Of The City Of Emeryville Amending Sections 5-37.01 And 5-37.02 Of Chapter 37 Of Title 5 Of The Emeryville Municipal Code With Respect To The Minimum Wage For Employees Of Small Independent Restaurants; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Sections 15324 And 15061(b)(3). (Charles S. Bryant / Chadrick Smalley / April Shabazz)  
**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)  
[Late Correspondence - East Bay Alliance For A Sustainable Economy](#)  
[Late Correspondence - Kara's Cupcakes](#)  
[Late Correspondence - Dylan O'Brien](#)  
[Late Correspondence - The Broken Rack et. al.](#)  
[Late Correspondence - Laura McCamy](#)  
[Late Correspondence - Ruth Major](#)

- 12.3. [ID-2019-201](#) Resolution Of The City Council Of The City Of Emeryville Amending The 2019 City Council Regular Meeting Schedule. (Sheri Hartz / Lorraine Leong)

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

[Draft Resolution](#)

[Exhibit A](#)

[ADOPTED Resolution No. 19-55](#)

- 12.4. [ID-2019-211](#) Presentation and Discussion on Legislative Priorities. (Sheri Hartz)

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

[Attachment A - Memorandum from Townsend Public Affairs; Update on 2019](#)

[Attachment B - City of Emeryville Watch Position 5/14/2019](#)

[Attachment C - City of Emeryville Support Position 5/14/2019](#)

- 12.5. [ID-2019-197](#) Consideration Of Potential Revenue Measures For 2020. (Christine Daniel / Susan Hsieh)

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

### 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2019-208](#) Planning Director's report on Planning Commission actions at the continued April 25, 2019 regular meeting held on May 14, 2019:

- (a) Item 7.1 continued from the April 25, 2019 Planning Commission Regular Meeting: Reconsideration of Marketplace Redevelopment Project, "Parcel B". Reconsideration of a new Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) and rescinding of Final Development Plan FDP15-001 that was approved by the Planning Commission on June 23, 2016. The previously approved FDP included 26,000 square feet of retail space and 300 parking spaces. The proposed FDP includes 14,000 square feet of retail space, 150,000 square feet of office/lab space, and 565 parking spaces. (Project previously approved by Planning Commission on January 24, 2019, appealed to City Council on February 8, 2019, and remanded to Planning Commission by City Council on March 19, 2019. Planning Commission public hearing closed April 25, 2019 and item continued to May 14, 2019.)\*

\* 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 May 14, 2019 Planning Commission continued regular meeting can be viewed online at <http://www.emeryville.org/ArchiveCenter/ViewFile/Item/4118>

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

#### 15. ADJOURNMENT

**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2019-196](#) **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.

June 4, 2019 City Council Meeting

- Public Hearing: Master Fee Schedule Annual Adoption
- Public Hearing: Ordinance 1st Reading SW PUD Amendment, Horton Street Trees
- Public Hearing: - Amending Construction and Demolition Waste Requirements
- FY 2019/20 & 2020/21 Budget Adoption
- Climate Action Plan Update

June 18, 2019 City Council Meeting

- Special Meeting: FY 2019-20 Community Advisory Body Appointments
- Parking Management Program Implementation RFP

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

[www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive](http://www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive).

THE NEXT REGULAR MEETING WILL BE ON JUNE 4, 2019, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608