



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

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**Tuesday, March 20, 2018**

**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**

- 4.1. [ID-2018-158](#) Proclamation Of The City Council Of The City Of Emeryville  
Proclaiming March As American Red Cross Month In Emeryville.  
(Sheri Hartz)

Attachments: [Proclamation](#)

**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-2018-165](#) Warrants. (Susan Hsieh)  
**Attachments:** [Staff Report City](#)  
[Wire Transfers City](#)  
[Check Register City](#)
- 10.2. [ID-2018-173](#) Action Minutes of the March 6, 2018 Emeryville City Council/Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.3. [ID-2018-174](#) Action Minutes of the March 6, 2018 Emeryville City Council Special Study Session Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2018-176](#) Action Minutes of the March 6, 2018 Emeryville City Council Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.5. [ID-2018-151](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2017 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)  
**Attachments:** [Staff Report](#)  
[Residential Site Inventory Update](#)  
[Draft Resolution](#)  
[2017 General Plan Annual Progress Report](#)  
[APPROVED Resolution No. 18-28](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2018-141](#) Resolution Of The City Council Of The City Of Emeryville Confirming the Public Works Director's Report And Authorizing Costs Incurred by the City of Emeryville In the Matter of the Appeal From Notice and Order of Intention to Demolish Property Owned by Andre Carpiaux, 1264 Ocean Avenue, Emeryville CA (APN 049-1469-008), Case No. ADBC 15-001 To Be Charged As A Special Assessment In the Amount of \$50,145.75 Against the Property; And Directing the City Manager To Take Related Actions. (Michael Guina / Andrea Visveshwara)

**Attachments:** [Staff Report](#)  
[Proposed Resolution](#)  
[Public Works Director's Report](#)  
[APPROVED Resolution No. 18-29](#)

11.2. [ID-2018-156](#) Sport Fishing Agreement. (Andrew Clough)

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

11.2.1 [ID-2018-159](#) Resolution Of The City Council Of The City Of Emeryville Approving The Amended And Restated Sport Fishing Concessions Agreement Between The City Of Emeryville And Andrew Guilano And Authorizing The City Manager To Execute The Agreement.

**Attachments:** [Draft Resolution](#)  
[Sport Fishing Agreement](#)  
[APPROVED Resolution No. 18-30](#)

11.2.2 [ID-2018-160](#) Resolution Of The City Council Of The City Of Emeryville Approving The Second Amendment To The Second Amended And Restated Agreement Of Ground Lease By And Between The City Of Emeryville And Safe Harbor Marinas Emeryville, LLC And Authorizing The City Manager To Execute The Agreement.

**Attachments:** [Draft Resolution](#)  
[Lease Amendment](#)  
[APPROVED Resolution No. 18-31](#)

## 12. ACTION ITEMS

12.1. [ID-2018-152](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Conceptual Design Proposal Contracts For The Marina Public Art Project With Ilan Averbuch, Pete Beeman, Matthew Geller, And Ned Kahn, With Each Artist To Be Paid \$3,000 As A Stipend For The Submitted Proposal And Up To \$4,000 For Travel Costs For Each Artist Based Outside The Bay Area. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Ilan Averbuch Conceptual Design Proposal Contract](#)  
[Pete Beeman Conceptual Design Proposal Contract](#)  
[Matthew Geller Conceptual Design Proposal Contract](#)  
[Ned Kahn Conceptual Design Proposal Contract](#)  
[APPROVED Resolution No. 18-32](#)

12.2. [ID-2018-155](#) Resolution Of The City Council Of The City Of Emeryville Urging The United States Congress To Enact A Revenue-Neutral Carbon Tax.

(Andrew Clough / Nancy Humphrey)

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

[Draft Resolution](#)

[APPROVED Resolution No. 18-33](#)

- 12.3. [ID-2018-167](#) East Bay Community Energy Product Choice. (Andrew Clough / Nancy Humphrey)

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

[Study Findings](#)

[Late Correspondence \(March 13, 2018\)](#)

[Late Correspondence \(March 20, 2018\)](#)

- 12.3.1 [ID-2018-169](#) Resolution Of The City Council Of The City Of Emeryville Requesting East Bay Community Energy Enroll All City Of Emeryville Municipal Accounts In Brilliant 100 (100% Greenhouse Gas Free) As The Default Electricity Product.

**Attachments:** [Draft Resolution](#)

[APPROVED Resolution No. 18-34](#)

- 12.3.2 [ID-2018-170](#) Resolution Of The City Council Of The City Of Emeryville Requesting East Bay Community Energy Enroll All City Of Emeryville Commercial, Industrial, and Institutional Accounts In Brilliant 100 (100% Greenhouse Gas Free) As The Default Electricity Product.

**Attachments:** [Draft Resolution](#)

### 13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2018-140](#) Planning Director's report on Planning Commission actions at the special meeting of March 15, 2018:

- (a) Emery Go-Round Temporary Fleet Parking - Consideration of a two-year Conditional Use Permit to use approximately three-fourths of the Novartis "Rifkin Lot" at 4555 Horton Street to park Emery Go-Round buses and employee cars.\*
- (b) Sherwin Williams PUD Amendment - Consideration of an amendment to the Sherwin Williams Planned Unit Development/Preliminary Development Plan (PUD/PDP) to allow the removal of 11 street trees on the west side of Horton Street fronting the project site to accommodate joint trenching needed to underground overhead utilities on Horton Street between Park Avenue and new 46th Street. The proposal includes approval by the Planning Commission of a Tree Removal Permit for 11 street trees, contingent upon City Council approval of the PUD/PDP amendment.\*\*

(c) 5850 Shellmound Way Mixed Use Project - A second study session to review a Conditional Use Permit and Design Review proposal to demolish an existing 61,000 square foot office building and replace it with an eight-story building accommodating 240 rental residential units with 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.

\*\* Item requires City Council approval and is scheduled for City Council consideration on April 3, 2018.

The packet for the March 15, 2018 Planning Commission special 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

#### 15. ADJOURNMENT

#### 16. LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

- 16.1. [ID-2018-171](#) **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 3, 2018 Regular City Council Meeting

- Interviews/Appointment: Housing Committee Member
- Proclamation: April Is Second Chances Month
- Proclamation: Sexual Assault Awareness Month

##### April 17, 2018 Regular City Council Meeting

- Proclamation: Small Business Week
- Public Hearing: Development Impact Fees Annual Increase
- Public Hearing: Sherwin Williams PUD Amendment/Horton St. Trees
- Transit Center Parking Agreement
- Annual Council Goal Setting, Part 2

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

<http://www.ci.emeryville.ca.us/88/Video-Agendas-Reports-Minutes-Archive>

THE NEXT REGULAR MEETING WILL BE ON APRIL 3, 2018, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608