



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608

CITY OF EMERYVILLE
AGENDA
City Council

(510) 596-4300 phone
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www.emeryville.org

Members:

Dianne Martinez Mayor
Scott Donahue Vice Mayor
Jac Asher Council Member
Ruth Atkin Council Member
Nora Davis Council Member

Tuesday, October 18, 2016

7:16 PM

Council Chambers

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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 dogs, cats, birds or any other animal or fowl 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 AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. SPECIAL ORDERS OF THE DAY

- 3.1. [ID-2016-593](#) Proclamation In Recognition Of Sharon Wilchar's Contributions To The Emeryville Community And Ongoing Efforts As An Artist And Arts Advocate On The Occasion Of The 30th Annual Emeryville Art Exhibition. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Proclamation](#)

4. PUBLIC COMMENTS

5. CITY MANAGER'S REPORT

6. EX PARTE COMMUNICATIONS

7. CONSENT ITEMS

- 7.1. [ID-2016-624](#) Warrants. (Susan Hsieh)

Attachments: [Staff Report City](#)

[Wire Transfers City](#)

[Check Register City](#)

- 7.2. [ID-2016-614](#) Action Minutes of the September 20, 2016 Emeryville City Council/Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

- Attachments:** [Minutes](#)
- 7.3. [ID-2016-615](#) Action Minutes of the September 20, 2016 City Council Special Study Session. (Sheri Hartz)
Attachments: [Minutes](#)
- 7.4. [ID-2016-618](#) Action Minutes of the September 20, 2016 Emeryville City Council Meeting. (Sheri Hartz)
Attachments: [Minutes](#)
- 7.5. [ID-2016-581](#) Resolution Of The City Council Of The City Of Emeryville Opposing The 2018 Closure Of Alta Bates Hospital. (Carolyn Lehr)
Attachments: [Staff Report](#)
[Resolution](#)
- 7.6. [ID-2016-605](#) Resolution Of The City Council Of The City Of Emeryville Appropriating \$1,802,269.68 From Fund 298 (Housing Assets Fund) In Order To Make Timely Debt Service Payments Due November 8, 2016 Pursuant To Promissory Notes Held By The Charles A. And Elizabeth C. Leone Living Trust And The Miriam N. Flynn Trust One UAD 10/5/2001, As Well As Payment To The State Franchise Tax Board, Which Notes Are Secured By Deeds Of Trust Encumbering 5890 And 5900 Christie Avenue, Emeryville, California. (Michael Guina)
Attachments: [Staff Report](#)
[Resolution](#)
- 7.7. [ID-2016-619](#) Resolution Of The City Council Of The City Of Emeryville Adopting Revised City Of Emeryville Records Retention Schedules For The Planning, Building, Economic Development & Housing, Human Resources, Community Services, Finance And Information Technology Departments And Authorizing The Destruction Of Records Per The Attached Retention Schedules Pursuant To Government Code Section 34090; And Authorizing Destruction Of Duplicate Records Pursuant To Government Code Section 34090.7 (Sheri Hartz / Nanci Lima)
Attachments: [Staff Report](#)
[Resolution](#)
[Final Planning Retention Schedule](#)
[Final Building Retention Schedule](#)
[Final Economic Development & Housing Schedule](#)
[Final Human Resources Retention Schedule](#)
[Final Community Services Retention Schedule](#)
[Final Finance Retention Schedule](#)
[Final Information Technology Retention Schedule](#)

- 7.8. [ID-2016-497](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract Number 900162 With the Alameda County Area Agency On Aging, For Fiscal Year 2016-2017 In the Amount Of \$27,620 And Appropriate Said Funds When Received To Account Number 5460-51100. (Pedro Jimenez / Brad Helfenberger)
Attachments: [Staff Report](#)
[Resolution](#)
[Fully Executed Agreement](#)
- 7.9. [ID-2016-606](#) 8 to Go Paratransit Shuttle Service. (Pedro Jimenez / Brad Helfenberger)
Attachments: [Staff Report](#)
- 7.9.1. [ID-2016-591](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Paratransit Gap Cycle 5 Extension Grant Program Funding Agreement With The Alameda County Transportation Commission For Fiscal Year 2016-2017 In The Amount Of \$34,000 And Appropriate Said Funds When Received To Account 240-55320, And To Appropriate \$26,000 From Community Fund 203 To Account 240-55320 For Operations Of The 8 To Go Shuttle Service. (Pedro Jimenez / Brad Helfenberger)
Attachments: [Resolution](#)
[Gap Grant Cycle 5 Extension Funding Agreement](#)
- 7.9.2. [ID-2016-592](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Sixth Amendment To The Paratransit Shuttle Service Agreement With The Emeryville Transportation Management Association (TMA) In An Amount Not To Exceed \$96,900. (Pedro Jimenez / Brad Helfenberger)
Attachments: [Resolution](#)
[Agreement - Sixth Amendment](#)
- 7.10. [ID-2016-583](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Contract With J.A. Gonsalves & Son Construction Inc. In An Amount Not To Exceed \$462,559.10 For The Construction Of The 2016 Street Rehabilitation Project, EPW 105-16 (CIP #15240027). (Maurice Kaufman)
Attachments: [Staff Report](#)
[Resolution](#)
[Agreement](#)
- 7.11. [ID-2016-586](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Professional Services Agreement With West Coast Code Consultants, Inc. Increasing The Contract Amount By \$125,000 To

An Amount Not To Exceed \$500,000 For Public Works Construction Inspection Services Required For Various Capital Improvement Program And Encroachment Permit/Stormwater Permit Projects For Fiscal Year 2016-2017. (Maurice Kaufman)

Attachments: [Staff Report](#)

[Resolution](#)

[First Amendment to Agreement](#)

- 7.12. [ID-2016-597](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Submit Applications In Response To The Alameda County Transportation Commission's Call For Project Nominations For Its 2018 Comprehensive Investment Plan. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Resolution](#)

- 7.13. [ID-2016-628](#) Second Reading of an Ordinance of the City Council of the City of Emeryville Adding Sections 08 through 10 of Chapter 2 of Title 1, Adding Chapter 7 of Title 1 of the Emeryville Municipal Code, "Administrative Citations and Summary Abatement" and Amending Section 5.37-07 of the Emeryville Municipal Code; CEQA Determination: Exempt Pursuant to Sections 15061(b)(3) and 15378(a). (Michael Guina / Andrea Visveshwara)

Attachments: [Staff Report](#)

[Ordinance](#)

- 7.14. [ID-2016-613](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Mayor Of Emeryville To Sign A Letter Of Support For The 2016 Cal Youth Soccer Grant Application For Gilman Sports Fields. (Pedro Jimenez)

Attachments: [Staff Report](#)

[Resolution](#)

[Youth Soccer Grant Application](#)

- 7.15. [ID-2016-585](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement With KBA Docusys For The Lease Of Twelve Kyocera Multi-Function Printing Devices, Including All Service And Support For A Period Of Thirty-Six Months In The Amount Of Five Thousand, Five Hundred And One Dollars And Eighty Cents (\$5,501.80) Per Month Or One Hundred Ninety-Eight Thousand, Sixty-Four Dollars And Eighty Cents (\$198,064.80) Over The Course Of The Lease; And To Sign All Relevant And Necessary Documents Pertaining To The Execution Of The Lease. (Michael Parenti)

Attachments: [Staff Report](#)
[Resolution](#)
[Final Packet - Signed](#)

8. PUBLIC HEARINGS

- 8.1. [ID-2016-601](#) Sherwin Williams Mixed Use Project. (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Attachment 1 - GreenTRIP Certification Letter](#)
[Public Comment: Lennar Homes.Ltr.100316](#)
[Public Comment: Curran Tim.Request2COA.Ltr.101116](#)
[Public Comment: Green Belt Alliance.EndorsementLtr.101416](#)
[Public Comment: Carpenters Local 713.Add COA.Ltr.101816](#)

- 8.1.1. [ID-2016-602](#) Resolution Of The City Council Of The City Of Emeryville Reviewing And Applying The Sherwin Williams Environmental Impact Report To The Sherwin Williams Development Project; Making Findings As Required By The California Environmental Quality Act (CEQA); And Adopting Mitigation Measures. (Charles Bryant / Miroo Desai)

Attachments: [Resolution](#)
[Exhibit A - Findings of Fact Regarding Impacts and Mitigation Measures](#)
[Exhibit B - Mitigation Monitoring and Reporting Program](#)
[Exhibit C - Findings of Fact Concerning Alternatives](#)
[Exhibit D - Statement of Overriding Considerations](#)

- 8.1.2. [ID-2016-603](#) Resolution Of The City Council Of The City Of Emeryville Adopting A General Plan Amendment To Modify The Land Use Diagram (Figure 2-2) To Reflect The Proposed Relocation Of Park/Open Space And Mixed Use With Residential On The Sherwin Williams Project Site, And To Modify The Maximum Residential Densities Map (Figure 2-6) To Be Consistent With The Land Use Diagram. (Charles Bryant / Miroo Desai)

Attachments: [Resolution](#)
[Exhibit A – Revised General Plan Land Use Diagram \(Figure 2-2\)](#)
[Exhibit B – Revised General Plan Maximum Residential Densities Diagram \(F](#)

- 8.1.3. [ID-2016-604](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adopting A Planned Unit Development Zoning Designation And Approving A Preliminary Development Plan For The 10.05-Acre Sherwin Williams Project Site Bounded By Sherwin Avenue To The South, The Union Pacific Railroad Tracks To The West; Horton Street To The East, And Temescal Creek To The North (APNs 49-1041-26-15 And 16), And Adopting An Amendment To The Planning Regulations To Add The Sherwin

Williams Mixed Use Project To The List Of Planned Unit Developments In Section 9-3.310. (Charles Bryant / Miroo Desai)

Attachments: [Ordinance](#)

[Exhibit A - Zoning Map](#)

[Exhibit B – Conditions of Approval](#)

[Exhibit C – Preliminary Development Plans dated September 13, 2016 \(large](#)

- 8.2. [ID-2016-607](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 39 To Title 5 Of The Emeryville Municipal Code, “Fair Workweek Employment Standards”, And Amending Sections 3-1.108 And 3-1.141 Of Chapter 1 Of Title 3 Of The Emeryville Municipal Code, “Business Taxes”. (Charles S. Bryant / Chadrick Smalley / Michael Guina)

Attachments: [Staff Report](#)

[Ordinance](#)

[Attachment 2 - Covered Employer Lists](#)

[Attachment 3 - EDAC Roster](#)

[Attachment 4 - EBASE-ACCE-CPD Comment Letter](#)

[Attachment 5 - EBASE Policy Comparison Table](#)

[Attachment 6 - Seattle Secure Scheduling Ordinance](#)

[Public Comment: Miles_Stevie.Support Ltr.093016](#)

[Public Comment: Reuter Bill.Online Form Submittal.Support](#)

[Public Comment: Center for Popular Democracy.SupportEmail.101416](#)

[Public Comment: California Restaurant Assoc.Opposition Ltr.101416](#)

[Public Comment: California Retailers Assoc.Opposition Ltr.101416](#)

[Public Comment: EBASE.ACCE.CPD..Response To CRA Letter.101716](#)

- 8.3. [ID-2016-584](#) Resolution Of The City Council Of The City Of Emeryville Amending the City of Emeryville Master Fee Schedule For Fiscal Year 2016-2017 Effective On October 21, 2016. (Maurice Kaufman)

Attachments: [Staff Report](#)

[Resolution](#)

[Exhibit A to Resolution](#)

9. ACTION ITEMS

- 9.1. [ID-2016-582](#) Third Quarter Council Goals Update

Attachments: [Staff Report](#)

[Council Goals Third Quarter Progress Report](#)

- 9.2. [ID-2016-587](#) Committee Appointments To Budget Advisory Committee, Commission On Aging And Economic Development Advisory Committee, And Amending The FY2016-17 Local Roster Of Boards,

Commission And Committees. (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)

- 9.3. [ID-2016-588](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As The City Labor Representative To Serve On The Budget Advisory Committee For A Term Effective October 18, 2016, And Ending June 30, 2017, And Amending The FY2016-2017 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorryne Leong)

Attachments: [Resolution](#)

[FY2016-2017 Budget Advisory Committee Roster](#)

[Application: Ossee Desmangles](#)

- 9.4. [ID-2016-589](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ And _____ To Serve On The Commission On Aging For Terms Effective October 18, 2016, And Ending June 30, 2018, And Amending The FY2016-2017 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorryne Leong)

Attachments: [Resolution](#)

[FY20162017 Commission on Aging Roster](#)

[Application: Yvonne Behrens](#)

[Application: Joyce Jacobson](#)

- 9.5. [ID-2016-590](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As The Small Business Representative And _____ As The Business Representative Of Any Size, To Serve On The Economic Development Advisory Committee For Terms Effective October 18, 2016, And Ending June 30, 2017, Amending The Committee Meeting Frequency To Every Two Months, And Amending The FY2016-2017 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorryne Leong)

Attachments: [Resolution](#)

[FY2016-2017 Economic Development Advisory Committee Roster](#)

[Application: Ruslana Golunova](#)

[Application: Laurel Wagoner](#)

- 9.6. [ID-2016-596](#) Resolution Of The City Council Of The City Of Emeryville Approving Artists Mari Andrews, Sofia Cordova, Heather Deyling, Joseph Kosdrosky, Tatiana Mak And Kevin Wickham, And Alternate Artists Kim Harrington And Christina Aguila For The Bus Shelter Temporary Art Program - Phase IV And Authorizing The City Manager To Execute Agreements With The Approved Artists For Final Design Of The Art Works In Amounts Not To Exceed \$4,000 For Each Artist. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Resolution](#)
[Attachments A-H - Artists' Proposals \(large file\)](#)

- 9.7. [ID-2016-594](#) Resolution Of The City Council Of The City Of Emeryville Approving The Purchase Of Artwork For The City's Annual Purchase Award Program Entitled "Valley Ford Ranch and Road" By Emeryville Artist Paul Oikawa And Appropriating \$6,000 (Six Thousand Dollars) From The Public Art Fund (Fund 243) To Fund The Purchase, And Installation Of The Artwork. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Resolution](#)
[Attachment 1 - "Valley Ford Ranch and Road" by Recommended Artist Paul C](#)
[Attachment 2 - "Hidden Location in Yellow" by First Alternate Yuzo Nakano](#)
[Attachment 3 - "Spectrum" by Second Alternate Sherry Ezhuthachan](#)

- 9.8. [ID-2016-611](#) Informational Report On East Bay Community Energy Authority Joint Powers Agreement. (Michael Guina / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Joint Powers Agreement](#)
[Public Comment: East Bay Community Power Alliance.SupportLtr.101716](#)

- 9.9. [ID-2016-600](#) Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Amended And Restated Agreement Of Employment Between The Management Of Emeryville Services Authority And Michael Guina As City Attorney For A Two Year Period Commencing July 1, 2016, And Terminating June 30, 2018. (Michael Guina)

Attachments: [Staff Report](#)
[Resolution](#)
[Employment Agreement: Michael Guina](#)

- 9.10. [ID-2016-612](#) Consideration Of Proposed Cancellation Of October 25, 2016 Regular City Council Meeting. (Carolyn Lehr / Sheri Hartz)

Attachments: [Staff Report](#)

10. CITY AS HOUSING SUCCESSOR

11. COMMUNICATION AND REPORTS

11.1. Department Heads

11.2. Council Members

11.3. Council Members Reporting on Meetings Attended

12. COMMUNITY ADVISORY BODY VACANCIES

13. ADJOURNMENT

14. HANDOUTS FROM THE MEETING

THE NEXT REGULAR MEETING WILL BE ON NOVEMBER 1, 2016, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608