



Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608

**CITY OF EMERYVILLE**  
**AGENDA**  
City Council

(510) 596-4300 phone  
(510) 450-7831 fax

[www.emeryville.org](http://www.emeryville.org)

Members:

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

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**Tuesday, November 3, 2015**

**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, 5433 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 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 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 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**

## **4. PUBLIC COMMENTS**

## **5. CITY MANAGER'S REPORT**

## **6. CONSENT ITEMS**

- 6.1. [ID-2015-590](#) Warrants. (Maria Oberg)

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

- 6.2. [ID-2015-601](#) Action Minutes, October 20, 2015 Emeryville City Council Regular Meeting (Karen Hemphill)

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

- 6.3. [ID-2015-585](#) Resolution Of The City Council Of The City Of Emeryville In Recognition Of the Citizens For East Shore Parks' Thirty Years Of Public Service (Mayor Atkin)

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

- 6.4. [ID-2015-589](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Regular Scheduled Meeting Date Of The Public Safety Committee As 10:00 AM On The Second Thursday Of The Month And Amending The City's 2015 Local Roster Of Boards, Commissions, and Committees Accordingly (Karen Hemphill)  
**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Draft Committee Roster Page](#)
- 6.5. [ID-2015-583](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Memorandum Of Understanding With The City Of Oakland For The Operation Of A Winter Shelter In The City Of Oakland For The Accommodation Of Up To 50 Persons For The Period Of November 15, 2015 Through April 15, 2016 In An Amount Not To Exceed \$15,000 And Appropriating Said Amount From Fund 299 Affordable Housing Fund (Charles S. Bryant / Michelle E. De Guzman / Catherine Firpo)  
**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Memorandum of Understanding](#)
- 6.6. [ID-2015-584](#) 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 LSA Associates To Increase The Maximum Compensation By \$46,451 For A Total Amount Not To Exceed \$309,340 For Environmental Analysis Of The Proposed Sherwin Williams Mixed Use Project (Charles S. Bryant / Miroo Desai)  
**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Contract Amendment](#)
- 6.7. [ID-2015-582](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 Of The Emeryville Municipal Code Relating To Multi-Unit Residential Development To Address Unit Mix, Family Friendly Design, Affordable Housing, And Ownership Housing (Charles S. Bryant)  
**Attachments:** [Staff Report](#)  
[Ordinance](#)

## 7. PUBLIC HEARINGS

- 7.1. [ID-2015-597](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To The Turner Construction Company For Construction Work On All Saturdays From 8:00 A.M. To 6:00 P.M. From November 7, 2015 To December 26, 2015 For The Emeryville Center Of Community Life Project On A Site Of About 7.7 Acres On The Block Bounded By San Pablo Avenue On The East, 47th Street On The South, 53rd Street On The North, And Emery Bay Village On The West. (APN: 13-1182-5-3, -8-4, And 23-4; 49-1181-1; 49-1182-15-8) (Charles S. Bryant / Miroo Desai)

**Attachments:** [Staff Report](#)  
[Request Letter](#)  
[Resolution](#)

## 8. ACTION ITEMS

- 8.1. [ID-2015-588](#) An Urgency Interim Ordinance Of The City Council Of The City Of Emeryville Establishing A Moratorium On The Approval Or Issuance Of An Annual Cabaret Or Dance Hall License

**Attachments:** [Staff Report](#)  
[Trader Vics letter 10-28-04](#)  
[Proposed Urgency Ordinance](#)

- 8.2. [ID-2015-586](#) Resolution Of The City Council Of The City Of Emeryville Appointing \_\_\_\_\_ To Serve On The Bicycle/Pedestrian Committee For A Term Effective Immediately And Ending On June 30, 2017 And Amending The 2015 Roster Of Boards, Commissions, And Committees Accordingly (Karen Hemphill)

**Attachments:** [Staff Report](#)  
[Application BPAC Richards](#)  
[Resolution](#)  
[Draft Roster Page](#)

## 9. CITY AS HOUSING SUCCESSOR

## 10. COMMUNICATION AND REPORTS

### 10.1 Department Heads

- 10.1. [ID-2015-581](#) Planning Director's report on Planning Commission actions at the  
1. October 22, 2015 meeting:

- a) Marketplace Tentative Map\*
- b) Sutter Health High Rise Identification Sign, 2000 Powell Street\*
- c) Preservation of Significant Structures Ordinance
- d) Study Session: Multi-Unit Residential Project, 1225 65th Street

\* Items 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 October 22, 2015 Planning Commission meeting can be viewed online at <<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>>

- 10.1. [ID-2015-599](#) Community Advisory Committee Vacancies (Karen Hemphill)  
2.

Attachments: [Vacancy List](#)

## **10.2 Council Members**

## **10.3 Council Members Reporting on Meetings Attended**

## **11. ADJOURNMENT**

THE NEXT REGULAR MEETING WILL BE ON NOVEMBER 17, 2015, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608