



**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:

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

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**Tuesday, November 1, 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-2016-680](#) Presentation From The Berkeley FILM Foundation Regarding A Grant Program for Indie Film Makers. (David Bergad)

## **4. PUBLIC COMMENTS**

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

## **6. EX PARTE COMMUNICATIONS**

## **7. CONSENT ITEMS**

- 7.1. [ID-2016-665](#) Warrants. (Susan Hsieh)

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

- 7.2. [ID-2016-672](#) Action Minutes of the October 18, 2016 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)

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

- 7.3. [ID-2016-674](#) Action Minutes of the October 18, 2016 City Council Special Study Session. (Sheri Hartz)  
**Attachments:** [Minutes](#)
- 7.4. [ID-2016-676](#) Action Minutes of the October 18, 2016 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Minutes](#)
- 7.5. [ID-2016-652](#) Second 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 On 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 S. Bryant / Miroo Desai)  
**Attachments:** [Staff Report](#)  
[Ordinance](#)  
[Exhibit A - Zoning Map](#)  
[Exhibit B – Conditions of Approval](#)  
[Exhibit C – Preliminary Development Plans dated September 13, 2016 \(large](#)
- 7.6. [ID-2016-655](#) 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 75 Persons For The Period November 14, 2016 Through April 17, 2017 In An Amount Not To Exceed \$30,000. (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)  
**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit A - Memorandum of Understanding](#)  
[Attachment 1 - Winter Shelter Report 2015/2016](#)

- 7.7. [ID-2016-670](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Revised City Of Emeryville Records Retention Schedules For Public Works, And Authorizing The Destruction Of Records Per The Attached Retention Schedules. (Sheri Hartz / Lorraine Leong)

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

[Resolution](#)

[Final Public Works Administration Retention Schedule](#)

[Final Public Works Operations Retention Schedule](#)

[Final Public Works Engineering Retention Schedule](#)

[Final Public Works Environmental Retention Schedule](#)

- 7.8. [ID-2016-626](#) Annual Development Impact Fee Report - Fiscal Year 2015-2016 (Charles S. Bryant)

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

[Attachment 1 - Public Facilities Funded by Development Impact Fees](#)

[Attachment 2 - Impact Fees Revenues, Expenditures, and Fund Balances](#)

[Attachment 3 - Impact Fee Projects from FY 17-21 CIP](#)

[Attachment 4 - City of Emeryville Development Impact Fees FY15-16](#)

- 7.9. [ID-2016-657](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Fifth Amendment To The Professional Services Agreement With LSA Associates To Increase The Maximum Compensation By \$5,000 For A Total Amount Not To Exceed \$416,300 For Environmental Analysis Of The Proposed Sherwin Williams Mixed Use Project (Charles S. Bryant / Miroo Desai)

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

[Resolution](#)

[Contract Amendment](#)

## 8. PUBLIC HEARINGS

## 9. ACTION ITEMS

- 9.1. [ID-2016-671](#) Discussion and Consideration of the Operation of Private Ferry Service at the Emeryville Marina. (Michael Guina / Andrea Visveshwara / Maurice Kaufman)

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

[Public Comment: Hines.FerryService.Support.Email.110116](#)

- 9.2.**      [ID-2016-651](#)      Second 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 3-11.08 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](#)

[Attachment 1 - October 18, 2016 Staff Report](#)

[Attachment 2 - EBASE-ACCE-CPD Proposed Amendments to Ordinance](#)

[Attachment 3 - Ordinance - Red-Line Version](#)

[Attachment 4 - Ordinance - Clean Version](#)

[Public Comment: CRA.Oppose.Ltr.103116](#)

[Public Comment: RILA.Oppose.Ltr.103116](#)

[Public Comment: Calif.RetailersAssoc.Oppose.Ltr.103116](#)

- 9.3.**      [ID-2016-658](#)      Adoption of 2016 California Building Standards Code and Local Amendments. (Charles S. Bryant / Victor Gonzales / Bonnie Terra)

**Attachments:**    [Staff Report](#)

- 9.3.1.**    [ID-2016-659](#)      Introduction and First Reading of An Ordinance Of The City Council Of The City Of Emeryville Repealing Chapters 1, 1A, 2, 3, 4, 5, 7, 8, And 19 Of Title 8 Of The Emeryville Municipal Code, Renumbering Chapters 9 Through 22 Of Title 8 Of The Emeryville Municipal Code, Renumbering And Amending Chapter 6 Of Title 8 Of The Emeryville Municipal Code, And Adopting New Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9 And 10 Of Title 8 Of The Emeryville Municipal Code, Entitled "Building Regulations", And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code

**Attachments:**    [Ordinance - Building Code](#)

- 9.3.2.**    [ID-2016-660](#)      Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing Chapter 5 Of Title 4 Of The Emeryville Municipal Code And Adopting A New Chapter 5 Of Title 4 Of The Emeryville Municipal Code, Entitled "Fire Code" And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code

**Attachments:**    [Ordinance - Fire Code](#)

- 9.4.**      [ID-2016-653](#)      Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 40 To Title 5 Of The Emeryville Municipal Code, "Residential Landlord and Tenant Relations" (Charles S.Bryant / Chadrick Smalley / Catherine Firpo)  
**Attachments:**    [Staff Report](#)  
                                 [Ordinance](#)  
                                 [Public Comment: Norman.Oppose.Email](#)  
                                 [Public Comment: Kadivar.Courtyard Renter](#)
- 9.5.**      [ID-2016-667](#)      Authorization Of Community Choice Aggregation For The City Of Emeryville. (Michael Guina)  
**Attachments:**    [Staff Report](#)  
                                 [Attachment A Tech Study CCA FINAL 07012016.pdf](#)  
                                 [Attachment B Tech Study Addendum Scen 4 07012016.pdf](#)  
                                 [Attachment C Tech Study CCA appendices 07012016.pdf](#)  
                                 [Attachment D Memorandum responding to Comments 29June2016 with attac](#)  
                                 [Public Comment: Sierra Club Support Letter](#)
- 9.5.1.**    [ID-2016-668](#)      Ordinance Of The City Council Of The City Of Emeryville Authorizing The Implementation Of A Community Choice Aggregation Program Pursuant To California Public Utilities Code Section 366.2  
**Attachments:**    [Ordinance](#)  
                                 [CLEAN EBCE JPA 092916](#)
- 9.5.2.**    [ID-2016-669](#)      Resolution Of The City Council Of The City Of Emeryville Accepting The Technical Study For A Community Choice Aggregation (CCA) Program In Alameda County; and Approving The East Bay Community Energy Authority Joint Powers Agreement And Authorizing The City Manager To Execute Said Agreement.  
**Attachments:**    [Resolution](#)  
                                 [Clean EBCE JPA.092616](#)
- 9.6.**      [ID-2016-662](#)      Senior Center Renovations, EPW 102-15, Project Completion. (Maurice Kaufman)  
**Attachments:**    [Staff Report](#)  
                                 [Change Order Summary](#)

- 9.6.1.**     [ID-2016-663](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Third Amendment To The Construction Contract With Southland Construction Management, Inc. Increasing The Contract Amount By \$86,077.84 To An Amount Not To Exceed \$2,372,127.84 For The Senior Center Renovations, Project No EPW 102-15 (CIP # 14650011) And Appropriating \$86,077.84 From The General Capital Fund 475 CIP Implementation Reserve To Said Project. (Maurice Kaufman)

**Attachments:**     [Resolution](#)

[Third Amendment to Contract](#)

- 9.6.2.**     [ID-2016-664](#)     Resolution Of The City Council Of The City Of Emeryville Accepting The Senior Center Renovations, Project No. EPW 102-15 (CIP # 14650011) As Complete And Authorizing The City Engineer To File A Notice Of Completion For Said Project With The Alameda County Clerk. (Maurice Kaufman)

**Attachments:**     [Resolution](#)

- 9.7.**        [ID-2016-673](#)     City Council Discussion On Financial Support For The Gilman Sports Fields Grant Application. (Pedro Jimenez / Council Member Nora Davis)

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

[Attachment: Staff Rpt. Dated 101816](#)

[Attachment: Resolution No. 16-145](#)

[Attachment: Youth Soccer Grant Application](#)

[Attachment: Support Letter](#)

[Public Comment: Berkeley Mayor Tom Bates.Letter.102516](#)

## **10. COMMUNICATION AND REPORTS**

### ***10.1. Department Heads***

**10.1.1. [ID-2016-650](#)** Planning Director's report on Planning Commission actions at the October 27, 2016 meeting:

- (a) Cellular Facility on Existing Streetlight Pole - Proposal to install a new wireless telecommunication facility on an existing City streetlight pole in the Powell Street public right-of-way near the intersection of Christie Avenue, adjacent to 5795 Christie Avenue.\*
- (b) Grifols Signs - Proposal for three illuminated wall signs at 5350 Horton Street.\*
- (c) 4-Plex Expansion - A second study session to review a proposal to add below grade parking and additional floor area to an existing four unit residential building at 1271 64th Street.
- (d) Demolition of PG&E Building G - A study session to review a proposal to demolish a 17,000 square foot building at the southwest corner of Hollis and 45th Streets that is designated as a Significant Structure.\*\*

\* 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 will require City Council approval.

The packet for the October 27, 2016 Planning Commission meeting can be viewed online at

<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

**10.2. Council Members**

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

**11. COMMUNITY ADVISORY BODY VACANCIES**

**12. ADJOURNMENT**

**13. HANDOUTS FROM THE MEETING**

THE NEXT REGULAR MEETING WILL BE ON NOVEMBER 15, 2016, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608