



CITY OF EMERYVILLE
AGENDA
City Council

Emeryville City Hall
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Emeryville, CA 94608

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www.emeryville.org

Members:

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

AMENDED

Tuesday, April 4, 2017

7:16 PM

Council Chambers

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, 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 AND COUNCIL MEMBER OATH AND SONG

2. ROLL CALL

3. APPROVAL OF FINAL AGENDA

4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2017-182](#) Proclamation Of The City Council Of The City Of Emeryville
Proclaiming April 15, 2017 As World Art Day In The City Of
Emeryville. (Sheri Hartz)

Attachments: [Proclamation](#)

- 4.2. [ID-2017-205](#) Commemorating The Ten-Year Anniversary Of The Former Woodfin
Hotel ICE Raids, Honor The Workers And Their Community Allies
Who Organized To Defend Immigrant Workers Rights. (Mayor
Donahue)

Attachments: [Proclamation](#)

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS

7. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

8. CITY MANAGER'S REPORT

9. EX PARTE COMMUNICATIONS

10. CONSENT ITEMS

- 10.1. [ID-2017-193](#) Warrants. (Susan Hsieh)
Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
- 10.2. [ID-2017-175](#) Action Minutes of the March 13, 2017 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.3. [ID-2017-176](#) Action Minutes of the March 13, 2017 Emeryville City Council Special Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.4. [ID-2017-179](#) Action Minutes of the March 21, 2017 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.5. [ID-2017-178](#) Action Minutes of the March 21, 2017 Emeryville City Council Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.6. [ID-2017-165](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Third Amendment To The Professional Services Agreement For Audit Services With Lance, Soll & Lunghard, LLP, Increasing The Services Agreement Amount By \$123,663 To An Amount Not To Exceed \$881,718 For The Fiscal Year 2016-2017 Audit. (Susan Hsieh)
Attachments: [Staff Report](#)
[Resolution](#)
[Agreement](#)
- 10.7. [ID-2017-184](#) Cannabis Regulations. (Andrea Visveshwara / Miroo Desai)
Attachments: [Staff Report](#)
[Attachment 1 - March 21, 2017 Staff Report \(w/o attachments\)](#)
- 10.7.1. [ID-2017-185](#) 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 To Add Article 22 To Chapter 5 Concerning Standards For Cannabis-Related Activities And To Make Other Related Modifications To The Planning Regulations; CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15061(b)(3)
Attachments: [Attachment 2 - Proposed Ordinance](#)

- 10.7.2.** [ID-2017-186](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing, Replacing, And Retitling Chapter 28 Of Title 5 Of The Emeryville Municipal Code, "Cannabis"; CEQA Determination: Exempt Pursuant To CEQA Guideline Section 15061(b)(3)
Attachments: [Attachment 3 - Proposed Ordinance](#)
- 10.8.** [ID-2017-181](#) Resolution Of The City Council Of The City Of Emeryville Supporting SB 687 (Skinner) - Attorney General Authority On Hospital Closures. (Sheri Hartz)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Text of SB 687](#)
[SB 687 Summary Sheet](#)
- 10.9.** [ID-2017-207](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Mayor To Sign A Letter Opposing SB 649, Wireless Telecommunications Facilities And Proposed Amendments To Install Small Cells By Right. (Mayor Donahue)
Attachments: [Staff Report](#)
[Resolution](#)
[Letter of Opposition for SB 649](#)

11. PUBLIC HEARINGS

12. ACTION ITEMS

- 12.1.** [ID-2017-166](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Authorizing An Amendment To The Contract Between The City Of Emeryville And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) With Respect To Public Safety Employees (Cynthia Kasten / Michael Guina)
Attachments: [Staff Report](#)
[Ordinance](#)
[Amended Agreement](#)
- 12.2.** [ID-2017-173](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Community Grant Sub Committee Recommendations To Select Kala Art Institute, 45th Street Artist's Cooperative, Teresa Kalnoskas, The Oakland Public Education Foundation, New Arts Foundation And The Berkeley Film Foundation As The Recipients For The Emeryville Community Grant Program (Pedro Jimenez / Cindy Montero)

Attachments: [Staff Report](#)[Resolution](#)[Community Grant Application- Kala Art Institute - Emeryville Rec](#)[Community Grant Application- 45th Street Artist's Cooperative](#)[Community Grant Application- Teresa Kalnoskas](#)[Community Grant Application- The Oakland Public Education Foundation](#)[Community Grant Application- New Arts Foundation-Nancy Karp + Dancers](#)[Community Grant Application- Berkeley Film Foundation](#)**13. COMMUNICATION AND REPORTS****13.1. Department Heads**

- 13.1.1. [ID-2017-157](#) Planning Director's report on Planning Commission actions at the March 23, 2017 meeting:

- (a) 6701 Shellmound Residential Project ("Nady Site") Extension Request - Consideration of a request for a two-year extension of a Conditional Use Permit and Design Review for a 186-unit residential development on a 2.27-acre site located at 6701 Shellmound Street that was approved by the Planning Commission on March 24, 2016. The project includes a Tree Removal Permit for removal of two street trees. *
- (b) Cellular Facility on Existing Streetlight Pole - Consideration of a Conditional Use Permit and Design Review application 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. *
- (c) PG&E Tree Removal - Consideration of a Tree Removal Permit to remove 30 street trees in the public right-of-way that are adjacent to natural gas transmission lines at various locations in the City. *
- (d) Public Market Directional Sign Program - Consideration of a Major Sign Permit for directional signage throughout the Public Market site, specifically along Shellmound Street and 63rd Street. *
- (e) Accessory Dwelling Units Ordinance - Consideration of amendments to Article 14 of Chapter 5 of the Planning Regulations at Title 9 of the Emeryville Municipal Code to make state-mandated changes related to Accessory

Dwelling Units, formerly known as Secondary Residential Units. **

(f) Pedestrian and Bicycle Plan Addendum - Consideration of a resolution reaffirming the 2012 Pedestrian and Bicycle Plan and approving a Focused Update Addendum on Implementation Status. This five-year implementation update and plan reaffirmation is required for projects in the plan to be eligible for state funding. **

(g) Development Impact Fee Amendment - Consideration of an amendment to Section 9-5.1907(b) of Article 19 of Chapter 5 of the Planning Regulations at Title 9 of the Emeryville Municipal Code to specify that development impact fees applicable to former uses shall be subtracted from fees for new uses, whether or not they were actually paid. **

* 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 is scheduled for consideration by the City Council on May 2, 2017.

The packet for the March 23, 2017 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

13.2. Council Members Reporting on Meetings Attended

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

16. LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

- 16.1. [ID-2017-197](#) **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 18, 2017 Regular City Council Meeting

- Public Hearing: Updated Development Impact Fees for FY 2017/18

- Housing Committee Appointment
- Recreation Center Site RFP for Senior Housing
- Fair Work Week Implementation Process Update
- Fair Work Week Outreach Contract
- Ordinance Introduction: Lead Safety Amendments to Building Code
- Disabled Blue Parking Zone: 1091 45th Street

May 2, 2017 Regular City Council Meeting

- Study Session: 3600 San Pablo Avenue Affordable Housing Project Feasibility Study
- Public Hearing: Ordinance Introduction - Accessory Dwelling Units
- Public Hearing: Ordinance Introduction - Planning Regulations Amendment (Dev. Impact Fees)
- Public Hearing: 3706 San Pablo Loan and DDA Amendment
- Ped/Bike Plan Update
- Fair Work Week Enforcement Contract

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 18, 2017, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608