



## 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:

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

Amended

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**Tuesday, September 5, 2017**

**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 AND COUNCIL MEMBER OATH AND SONG**

**2. ROLL CALL**

**3. APPROVAL OF FINAL AGENDA**

**4. SPECIAL ORDERS OF THE DAY**

- 4.1. [ID-2017-526](#) Proclamation Of The City Council Of The City Of Emeryville  
Recognizing September 2017 As Childhood Cancer Awareness Month  
In Emeryville.

Attachments: [Proclamation](#)

- 4.2. [ID-2017-560](#) Proclamation Of The City Council Of The City Of Emeryville  
Proclaiming The Week of October 14, 2017 As Bethune/Height  
Recognition Program Week In Emeryville.

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-2017-548](#) Warrants. (Susan Hsieh)  
**Attachments:** [Staff Report City](#)  
[Wire Transfers City](#)  
[Check Register City](#)
- 10.2. [ID-2017-523](#) Action Minutes of the July 25, 2017 City Council Special Study Session Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.3. [ID-2017-525](#) Action Minutes of the July 25, 2017 Emeryville City Council Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2017-492](#) Accepting The Annual Street Rehabilitation Project EPW 105-16 (CIP #15240027) (Andrew Clough / Michael Roberts)  
**Attachments:** [Staff Report](#)
- 10.4.1 [ID-2017-493](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Annual Street Rehabilitation Project EPW 105-16 (CIP #15240027) As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk.  
**Attachments:** [Resolution](#)  
[APPROVED Resolution No. 17-131](#)
- 10.4.2 [ID-2017-494](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Contract With J.A. Gonsalves & Son Construction Inc. Increasing The Contract Amount By \$54,614.51 To An Amount Not To Exceed \$517,173.61  
**Attachments:** [Resolution](#)  
[Contract - 1st Amendment](#)  
[JAG Agreement](#)  
[APPROVED Resolution No. 17-132](#)

- 10.5.**     [ID-2017-532](#)     Resolution Of The City Council Of The City of Emeryville To Reject All Bids And To Approve Revised Scope Of Work For The Annual Street Rehabilitation And Preventive Maintenance Project Fiscal Year 2017/2018, Project No. EPW 17-104 (CIP No. 17240005) (Andrew Clough / Ryan O'Connell)

**Attachments:**     [Staff Report](#)  
                              [Resolution](#)  
                              [Exhibit A](#)  
                              [Exhibit B](#)  
                              [APPROVED Resolution No. 17-133](#)

- 10.6.**     [ID-2017-528](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract #CSPP-7008 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2017-2018 In The Amount Of \$150,572 And Appropriate Said Funds When Received To Account 230-53600 (Pedro Jimenez)

**Attachments:**     [Staff Report](#)  
                              [Resolution](#)  
                              [State Contract](#)  
                              [APPROVED Resolution No. 17-134](#)

- 10.7.**     [ID-2017-527](#)     Adopting Regulations To Govern The Issuance Of Dispensary/Retailer Permits To Cannabis Businesses (Michael Guina / Andrea Visveshwara)

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

- 10.7.1**     [ID-2017-551](#)     Resolution Of The City Council Of The City Of Emeryville Adopting Regulations To Govern The Issuance Of Dispensary/Retailer Permits To Cannabis Businesses.

**Attachments:**     [Resolution](#)  
                              [Exhibit A - Rating Sheet](#)  
                              [APPROVED Resolution No. 17-135](#)

- 10.7.2**     [ID-2017-552](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Issue A Request For Qualifications For A Dispensary/Retail Permit For A Storefront Dispensary.

**Attachments:**     [Resolution](#)  
                              [Attachment - RFQ](#)  
                              [APPROVED Resolution No. 17-136](#)

- 10.8.**     [ID-2017-535](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Agreement With Community Design + Architecture For An Amount Not To Exceed \$176,270 For Preparation Of The 40th And San Pablo Transit Hub Concept Design, And Appropriating \$38,270 From The General Plan Maintenance Fund Balance (Fund 225) To Account 80050, Professional Services, In The Fund 225 General Plan Maintenance Budget (Charles S. Bryant / Diana Keena)

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

[Resolution](#)

[Exhibit A - Professional Services Agreement](#)

[APPROVED Resolution No. 17-137](#)

- 10.9.**     [ID-2017-536](#)     Resolution Of The City Council Of The City Of Emeryville Approving The Agreement On Affordable Units With ASN Emeryville LLC, And Authorizing The City Manager To Enter Into Said Agreement On Behalf Of The City Of Emeryville, For The Incorporation Of One Below Market Rate Unit For Very Low Income Households Within The Artistry Rental Project At 6401 Shellmound Street (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

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

[Resolution](#)

[Exhibit A - Affordable Housing Agreement](#)

[APPROVED Resolution NO. 17-138](#)

- 10.10.**   [ID-2017-539](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Agreement With CDM Smith For The Emeryville Parking Management Plan Update For An Amount Not To Exceed \$173,253 And Reallocating \$100,000 From The General Capital Fund (Fund 475) Budgeted For The North Hollis Paid Parking And Transportation Demand Management Project (CIP No. T-07) In Fiscal Year 2018-2019 To The Same Project In Fiscal Year 2017-2018 (Charles S. Bryant / Chadrick Smalley / Amber Evans)

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

[Resolution](#)

[Professional Services Agreement](#)

[APPROVED Resolution No. 17-139](#)

- 10.11. [ID-2017-530](#) Resolution Of The City Council Of The City Of Emeryville Accepting Transfer Of Governmental Use Properties Known As Greenway @ Parcel D, Greenway @ 59th Street, Emery Station Greenway Plaza, 48th Street Community Garden, Art & Cultural Center And Glashaus Public Parking From The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Pursuant To The Long Range Property Management Plan. (Michael Guina)  
**(In Conjunction With Successor Agency Agenda Item 6.3.)**

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

[Resolution](#)

[Grant Deed Transferring Governmental Use Properties to City](#)

[APPROVED Resolution No. 17-140](#)

- 10.12. [ID-2017-546](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Second Amendment To The First Responders Advanced Life Support (FRALS) Agreement With The County Of Alameda That Governs The Provision Of Advanced Life Support Medical Services. (Cindy Montero)

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

[Resolution](#)

[Second Amendment FRALS Contract](#)

[First Amendment to Agreement](#)

[EMS First Responder Svcs Agmt](#)

[APPROVED Resolution No. 17-141](#)

## 11. PUBLIC HEARINGS

## 12. ACTION ITEMS

- 12.1. [ID-2017-545](#) Resolution Of The City Council Of The City Of Emeryville Adopting Regulations Pursuant To Section 5-39.09(a) Of The Emeryville Municipal Code To Implement Fair Workweek Employment Standards (Charles S. Bryant / Chadrick Smalley / April Shabazz)

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

[Resolution](#)

[Exhibit A - Regulations](#)

[Attachment 1 - Redlined Legislative Draft of Regulations](#)

[Attachment 2 - Written Comments Received](#)

[Attachment 3 - Comments from Forums](#)

[PUBLIC COMMENT: Betsy Cooley, Resident](#)

[PUBLIC COMMENT: EBASE](#)

[PUBLIC COMMENT: Calif. Retailers Association](#)

- 12.2. [ID-2017-537](#) Resolution Of The City Council Of The City Of Emeryville Approving The Release Of A Request For Proposals For A Pilot Mural Project To Be Installed Along The Emeryville Greenway Between Powell Street And Stanford Avenue (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

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

[Resolution](#)

[Exhibit A - RFP and Attachment 1, Application Form](#)

[Exhibit A - Attachment 2, Context Photos-Viewpoints](#)

[Exhibit A - Attachment 3, Broken Rack Remodel Plans](#)

[APPROVED Resolution No. 17-142](#)

- 12.3. [ID-2017-538](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 25 To Title 8 Of The Emeryville Municipal Code Relating To An Expedited, Streamlined Permitting Process For Electric Vehicle Charging Stations (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3) (Charles S. Bryant / Victor R. Gonzales)

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

[Ordinance](#)

[Attachment 2 - Checklist](#)

- 12.4. [ID-2017-540](#) Consideration Of League Of California Cities Annual Conference Resolutions Packet (Sheri Hartz)

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

[2017 Annual Conference Resolutions Packet](#)

- 12.5. [ID-2017-616](#) Letter Of Opposition To SB 649 (Hueso) Wireless Telecommunications Facilities. (Mayor Scott Donahue / Sheri Hartz)

## 13. COMMUNICATION AND REPORTS

### 13. Department Heads

#### 1.

13.1.1 [ID-2017-533](#) Planning Director's report on Planning Commission actions at the August 24, 2017 meeting:

- (a) Mobilitie Cellular Facilities - Consideration of two Conditional Use Permit and Design Review applications for wireless telecommunications facilities on two existing City street light poles in the public right of way.\*
  - 1. Mobilitie @ Powell Street - On the south side of Powell Street adjacent to 5795 Christie Avenue. (Near the southwest corner of Powell Street and Christie Avenue).
  - 2. Mobilitie @ Christie Avenue - On the north side of 64th Street adjacent to 6425 Christie Avenue. (Near the northeast corner of 64th and Lacoste Streets).
- (b) Avalon Public Market Signs - Consideration of a Major Sign Permit for Avalon Public Market signs for the residential project currently under construction on "Parcel D" at 6301 Shellmound Street. (Continued from June 22, 2017 meeting.)  
\*
- (c) Art.com Signs - Consideration of a Major Sign Permit to modify the existing "Art.com" high-rise identification sign at 2100 Powell Street by removing the multi-color LED "light pucks" from the existing channel letters and adding white acrylic letter faces to be internally illuminated with new white LED modules.\*

\* 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.

The packet for the August 24, 2017 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

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

2.

**14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

**15. ADJOURNMENT**



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

- 16.1. [ID-2017-547](#)** **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.

September 19, 2017 Regular City Council Meeting

- Public Hearing: FY 2017-18 and FY 2018-19 Budget Adoption
- Ordinance 1st Reading: Accessory Dwelling Units (Planning Regulations)
- Ordinance 1st Reading: Minimum Wage
- ADA Disabled Blue Parking Zone - 4317 Adeline Street
- Marina Public Art RFQ

October 3, 2017 Regular City Council Meeting

- Study Session: Smoking Pollution Control Ordinance
- Public Hearing: Noise Waiver Request, EmeryStation West/Transit Center
- Celebration of the Arts Annual Purchase Award

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 SEPTEMBER 19, 2017, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608