



CITY OF EMERYVILLE
AGENDA
City Council

Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608

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(510) 450-7831 fax

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

Tuesday, September 19, 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, 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

3. APPROVAL OF FINAL AGENDA

4. SPECIAL ORDERS OF THE DAY

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-2017-572](#) Warrants. (Susan Hsieh)

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

- 10.2.** [ID-2017-564](#) Action Minutes of the September 5, 2017 City Council Special Meeting.
 (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.3.** [ID-2017-565](#) Action Minutes of the September 5, 2017 City Council Special Study

Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.4.** [ID-2017-567](#) Action Minutes of the September 5, 2017 Emeryville City Council Regular Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.5.** [ID-2017-553](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement By And Between The County Of Alameda And The City Of Emeryville For The Purpose Of Carrying Out The Community Development Block Grant Program For Fiscal Year 2017-18 (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)
Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A – CDBG Agreement for FY 2017-18](#)
- 10.6.** [ID-2017-554](#) Resolution Of The City Council Of The City Of Emeryville Determining That Public Convenience Or Necessity Would Be Served By The Issuance Of A License By The Department Of Alcoholic Beverage Control To New Seasons Market LLC At 6201 Shellmound Street, Emeryville, California (Charles S. Bryant / Navarre Oaks)
Attachments: [Staff Report](#)
[Resolution](#)
- 10.7.** [ID-2017-555](#) Second 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](#)
- 10.8.** [ID-2017-570](#) Resolution Of The City Council Of The City Of Emeryville In Support Of Citizens For East Shore Parks Resilient Shoreline Program To Raise Awareness About Sea-Level Rise And Establish Resilient Shoreline Solutions To Protect Against The Destruction Of Sea-Level Rise (Sheri Hartz)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Request Letter](#)
- 10.9.** [ID-2017-571](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Acceptance Of The City's Apportionment of Alameda County's 2017 E.J. Byrne Justice Assistance Grant (JAG) In The Amount Of

\$9,761.25 And Appropriating Said Amount To Grant Fund 254.
(Jennifer Tejada)

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

11. PUBLIC HEARINGS

- 11.1. [ID-2017-561](#) Revocation Or Modification Of Public Market Noise Waiver (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Public Comment.Krafchick_Marcelline](#)
[Attachment 1 - Resolution No. 17-128](#)
[Attachment 2 - Letter to applicant dated August 29, 2017](#)
[Attachment 3 - Response email from applicant dated August 29, 2017](#)

- 11.1.1 [ID-2017-562](#) Resolution Of The City Council Of The City Of Emeryville Revoking A Waiver From The Noise Ordinance (Resolution No. 17-128) Granted By The City Council On July 25, 2017 To AG-CCRP Public Market, L.P. For Construction Work On All Saturdays Between July 29, 2017 And November 11, 2017 At the Public Market For Streetscape Work; CEQA Determination: Exempt Pursuant to CEQA Guideline Section 15061(b)(3)

Attachments: [Resolution to Revoke Noise Waiver](#)

- 11.1.2 [ID-2017-563](#) Resolution Of The City Council Of The City Of Emeryville Modifying Conditions of Approval Of A Waiver From The Noise Ordinance (Resolution 17-128) Granted By The City Council On July 25, 2017 To AG-CCRP Public Market, L.P. For Construction Work On All Saturdays Between July 29, 2017 And November 11, 2017 At the Public Market For Streetscape Work; CEQA Determination: Exempt Pursuant to CEQA Guideline Section 15061(b)(3)

Attachments: [Resolution](#)

- 11.2. [ID-2017-578](#) Adoption Of The Budget For The City Of Emeryville For The 2017-18 And 2018-19 Fiscal Years (FY), Appropriation Of Funds From The FY 2016-17 General Fund Unassigned Fund Balance, And The Adoption Of The Appropriations Limit For The 2017-18 Fiscal Year (Susan Hsieh)

Attachments: [Staff Report](#)
[Budget FY2017-18 and 2018-19](#)

- 11.2.1 [ID-2017-579](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Budget For The City Of Emeryville For The 2017-18 And 2018-19 Fiscal Years (FY) And Appropriating Funds From The FY 2016-17 General Fund Unassigned Fund Balance. (Susan Hsieh)

Attachments: [1. Resolution](#)
[2. Appendix A - City of Emeryville Budget Philosophy](#)
[3. Appendix B - General Fund & Economic Uncertainty Reserve Policy](#)
[4. Appendix C - Reserve Policy Residual Property Tax](#)
[5. Appendix D - FY 16-17 Proposed Transfers](#)
[6. Appendix E - Citywide Expenditures](#)
[7. Appendix F - Capital Project List](#)

- 11.2.2 [ID-2017-580](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Appropriations Limit For The 2017-18 Fiscal Year At \$105,081,337 (Susan Hsieh)

Attachments: [Resolution](#)
[Appendix A - Gann Limit Calculation FY 17-18](#)

- 11.3. [ID-2017-556](#) Introduction And First 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 Regarding Accessory Dwelling Units (Continued From May 2, 2017 City Council Meeting) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3) (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)
[Attachment 1 - Accessory Dwelling Units Study](#)
[Attachment 2 - May 2, 2017 Staff Report](#)
[Ordinance](#)

12. ACTION ITEMS

- 12.1. [ID-2017-389](#) Introduction And First Reading Of An Ordinance Of The City Of Emeryville Amending Section 5-37.04 Of Chapter 37 Of Title 5 Of The Emeryville Municipal Code, "Minimum Wage, Paid Sick Leave, And Other Employment Standards"; CEQA Determination: Exempt Pursuant To CEQA Guideline 15061(b)(3) And 15378(b)(3)

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

- 12.2. [ID-2017-531](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 26 Construction And Demolition Waste Requirements, To Title 8 Of The Emeryville Municipal Code; And Amending Section 1-2.01(f) Of Chapter 2 Of Title 1 Of The Emeryville Municipal Code Regarding Violations: CEQA Determination: Exempt Pursuant to CEQA Guidelines 15061(b)(3) and 15378(b)(3). (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Cover Letter Re: Ordinance Chapter Correction](#)
[Ordinance](#)

- 12.3.** [ID-2017-557](#) Resolution Of The City Council Of The City Of Emeryville Approving The Release Of A Request For Qualifications For A Public Art Installation At The Emeryville Marina (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Request for Qualifications](#)

- 12.4.** [ID-2017-568](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Business Representative To Serve On The Budget Advisory Committee For A Term Effective Immediately And Ending June 30, 2019; And Amending The FY2017-18 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)

Attachments: [Staff Report](#)
[Resolution](#)
[Applicant: Nathaniel Centeno](#)
[Applicant: Louise Engel](#)
[Applicant: John T. Van Geffen](#)

- 12.5.** [ID-2017-577](#) Resolution Of The City Council Of The City Of Emeryville Authorize Staff To Enroll Emeryville In The American Association of Retired Person (AARP) Network Of Age-Friendly Communities (Pedro Jimenez)

Attachments: [Staff Report](#)
[Resolution](#)
[AARP-NAFC-Member-Application](#)

13. COMMUNICATION AND REPORTS

13.1. Department Heads

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

THE NEXT REGULAR MEETING WILL BE ON OCTOBER 3, 2017, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608