



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

Members:

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

AMENDED

Tuesday, June 19, 2018

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:

PLEASE NOTE: Council Member Patz will participate in the meeting via teleconference from the site listed below. The meeting agenda is posted at the teleconference site and the site is accessible to the public. Anyone wishing to address the Council from the teleconference site will be provided with an opportunity to do so.

Location:

Holiday Inn Express Hotel & Suites Banning
3020 W. Ramsey Street
Banning, CA 92220
951-572-5550

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF FINAL AGENDA

4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2018-349](#) Presentation: Elder Abuse Awareness Month Recognition
- 4.2. [ID-2018-348](#) Proclamation Of The City Council Of The City Of Emeryville
Proclaiming The Month Of July 2018 As "Parks Make Life Better!" In
The City Of Emeryville. (Pedro Jimenez)

Attachments: [Proclamation](#)

- 4.3. [ID-2018-370](#) Proclamation: In Appreciation Of City Manager Carolyn Lehr On The
Occasion Of Her Retirement As City Manager Of The City Of
Emeryville.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE**7. CITY MANAGER'S REPORT****8. EX PARTE COMMUNICATIONS****9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA****10. CONSENT ITEMS**

- 10.1. [ID-2018-346](#) Warrants. (Susan Hsieh)

 Attachments: [Staff Report City](#)
 [Wire Transfers City](#)
 [Check Register City](#)
- 10.2. [ID-2018-337](#) Action Minutes of the June 5, 2018, Emeryville City Council /
 Management of Emeryville Services Authority Special Closed Session
 Meeting. (Sheri Hartz)
 Attachments: [Action Minutes](#)
- 10.3. [ID-2018-341](#) Action Minutes of the June 5, 2018 Emeryville City Council Special
 Meeting. (Sheri Hartz)
 Attachments: [Action Minutes](#)
- 10.4. [ID-2018-340](#) Action Minutes of the June 5, 2018 Emeryville City Council Meeting.
 (Sheri Hartz)
 Attachments: [Action Minutes](#)
- 10.5. [ID-2018-307](#) Resolution Of The City Council Of The City Of Emeryville Authorizing
 The City Manager To Execute A One Year Agreement With Second
 Sight Video & Multimedia Productions, Inc., For Fiscal Year 2018-19
 To Provide Broadcasting, Videotaping, And Related Services For A
 Total Amount Not To Exceed \$60,000. (Sheri Hartz)
 Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Agreement with Exhibit A](#)
 [APPROVED Resolution No. 18-62](#)
- 10.6. [ID-2018-301](#) Review Of 3rd Quarter FY17-18 Financial Update. (Susan Hsieh)
 Attachments: [Staff Report](#)
- 10.7. [ID-2018-302](#) Resolution Of The City Council Of The City Of Emeryville Adopting The
 Annual Statement Of Investment Policy And Delegation Of Authority To

The Treasurer. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Draft Statement of Investment Policy \(Red-Lined\)](#)
[Statement of Investment Policy \(Clean Version\)](#)
[APPROVED Resolution No. 18-63](#)

- 10.8.** [ID-2018-314](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Investment Guidelines For The City's Section 115 Pension Trust, Authorizing The Transfer Of \$9,700,000 To PARS By August 31, 2018 To Establish The Pension Trust, And Appropriating \$7,275,000 From the PERS Reserve Fund (Fund 715) To The Fiscal Year 2018-19 Budget. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Investment Guidelines Document](#)
[APPROVED Resolution No. 18-64](#)

- 10.9.** [ID-2018-343](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Appropriations Limit For The 2018-19 Fiscal Year At \$109,852,899. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - Appropriations Limit Calculation FY 2018-19](#)
[APPROVED Resolution No. 18-65](#)

- 10.10.** [ID-2018-334](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract #CSPP-8008 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2018-2019 In The Amount Of \$170,230 And Appropriate Said Funds When Received To Account 230-53600. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[CSPP-8008 Contract](#)
[APPROVED Resolution No. 18-66](#)

- 10.11.** [ID-2018-345](#) Resolution Of The City Council Of The City Of Emeryville Adopting The 2018-2019 Living Wage Rate Pursuant To The City Of Emeryville's Living Wage Ordinance (Chapter 31 Of Title 5 Of The Emeryville Municipal Code). (Lisa Lopez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 18-67](#)

- 10.12.** [ID-2018-293](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With West Coast Code Consultants (WC3) For A Total Amount Not To Exceed \$1,056,954 For Providing Building Division Services For The City Of Emeryville During Fiscal Year 2018-2019. (Charles S. Bryant / Victor R. Gonzales)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Contract](#)
[APPROVED Resolution No. 18-68](#)

- 10.13.** [ID-2018-294](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With 4Leaf Incorporated For A Total Amount Not To Exceed \$125,000 For Providing Building Division Services For The City Of Emeryville During Fiscal Year 2018-2019. (Charles S. Bryant / Victor R. Gonzales)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Contract](#)
[APPROVED Resolution No. 18-69](#)

- 10.14.** [ID-2018-308](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Community Grants Funding Agreement With Emeryville Citizens Assistance Program In The Amount Of \$70,135 To Support Food And Clothing Distribution To The Homeless And Near-Homeless For Fiscal Year 2018-19. (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)
[Attachment 1 - Final Report FY17-18](#)
[Attachment 2 - Grant Application](#)
[Draft Resolution](#)
[Exhibit A - Funding Agreement](#)
[APPROVED Resolution No. 18-70](#)

- 10.15.** [ID-2018-309](#) Resolution Of The City Council Of Emeryville Authorizing The City Manager To Execute A Professional Services Agreement With Townsend Public Affairs, Inc. To Provide Federal And State Lobbying Services For An Amount Not To Exceed \$90,000 For Fiscal Year 2018-19. (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Contract](#)
[APPROVED Resolution No. 18-71](#)

- 10.16.** [ID-2018-310](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Agreement With Michael Baker International To Provide Assistance To The City's Affordable Homeownership And Rental Programs For A Total Contract Amount Not-To-Exceed \$145,000 For The Period July 1, 2018 To June 30, 2019. (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Contract](#)
[APPROVED Resolution No. 18-72](#)

- 10.17.** [ID-2018-332](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To Public Parking Lease And Option To Acquire Easement By And Between Emery Station West, LLC, And The City Of Emeryville And Appropriating \$176,752.50 From The Traffic Impact Fee Fund (Fund 250) To The Fiscal Year 2018-2019 Capital Improvement Plan Budget For The Transit Center - Public Parking And Bus Bays Project (CIP Number CF-04, Project Number 16254012). (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - First Amendment to Public Parking Lease](#)
[APPROVED Resolution No. 18-73](#)

- 10.18.** [ID-2018-344](#) Resolution Of The City Council Of Emeryville Authorizing The City Manager To Enter Into The First Amendment To Professional Services Agreement With West Coast Code Consultants, Inc., Increasing the Contract Price by \$400,000, to An Amount Not To Exceed \$900,000 For Public Works Construction Inspection Services Required For Various Capital Improvement Programs And Encroachment Permit / Stormwater Permit Projects For Fiscal Year 2018-2019. (Andrew Clough)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[PSA](#)
[PSA Amendment 1](#)
[APPROVED Resolution No. 18-74](#)

- 10.19.** [ID-2018-318](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With West Coast Code Consultants, Inc., In An Amount Not to Exceed \$90,000 For Plan Check and Inspection Services Related To Compliance With Provision C3 Of The Municipal Regional Permit Issued By The Regional Water Quality Control Board For Various Projects Within The City For Fiscal Year 2018-2019. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[APPROVED Resolution No. 18-75](#)

- 10.20.** [ID-2018-315](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Maintenance Contract With Rubicon Landscaping, Inc. In An Amount Not To Exceed \$214,199 For Landscape Maintenance of City-Owned Parks and Open Space For Fiscal Year 2018-19. (Andrew Clough)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Maintenance Contract](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
[APPROVED Resolution No. 18-76](#)

- 10.21.** [ID-2018-317](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With OTG EnviroEngineering Solutions, Inc., In An Amount Not to Exceed \$107,016 For Environmental Work At Two Sites Required By The Alameda County Department of Environmental Health (ACDEH). (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[APPROVED Resolution No. 18-77](#)

- 10.22.** [ID-2018-336](#) Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To A First Amendment To The Amended And Restated Agreement Of Employment Between The Management Of Emeryville Services Authority And Carolyn Lehr As City Manager. (Lisa Lopez)

(In Conjunction With Management of Emeryville Services)

Authority Agenda Item 6.3.)**Attachments:** [Staff Report](#)[Draft Resolution](#)[Contract](#)[APPROVED Resolution No. 18-78](#)

- 10.23. [ID-2018-372](#)** Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Agreement Of Employment Between The Management Of Emeryville Services Authority And Michael A. Guina As City Attorney/General Counsel For The Period Of July 1, 2018 Through June 30, 2020. (Michael Guina)
(In Conjunction With Management of Emeryville Services Authority Regular Meeting Agenda Item 6.4.)

Attachments: [Staff Report](#)[Draft Resolution](#)[2018-2020 Employment Agreement](#)[APPROVED Resolution No. 18-79](#)

- 10.24. [ID-2018-374](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Third 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. (Susan Hsieh)

Attachments: [Staff Report](#)[Draft Resolution](#)[FRALS Third Amendment](#)[APPROVED Resolution No. 18-80](#)

- 10.25. [ID-2018-378](#)** Resolution Of The City Council Of The City Of Emeryville Adding A Regular City Council Meeting To The 2018 Council Meeting Calendar. (Sheri Hartz)

Attachments: [Staff Report](#)[Attachment - 2018 Meeting Calendar](#)[Draft Resolution](#)[APPROVED Resolution No. 18-81](#)

- 10.26. [ID-2018-380](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Fourth Amendment To The Professional Services Agreement For Audit Services With Lance, Soll & Lunghard, LLP, Increasing The Services Agreement Amount By \$110,735 To An Amount Not To Exceed \$992,453 For The Fiscal Year 2017-2018 Audit. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract Amendment](#)
[APPROVED Resolution No. 18-82](#)

- 10.27.** [ID-2018-313](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With EKI Water And Environment Inc. (EKI) In An Amount Not To Exceed \$66,000 For Hazardous Materials Investigation And Mitigation Services At APN 049-1041-026-16 Related To The Development of the Sherwin Williams Project; And Appropriating \$66,000 From The General Capital Fund (Fund 475). (Michael Guina)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Agreement](#)
[EKI Proposal](#)
[APPROVED Resolution No. 18-83](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2018-306](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2018-19 Effective On July 2, 2018. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A: Proposed Master Fee Schedule](#)
[APPROVED Resolution No. 18-84](#)

- 11.2.** [ID-2018-312](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Bank Club Cafe For Calendar Year 2018. (Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Permit Memo and Cabaret License Application](#)
[APPROVED Resolution No. 18-85](#)

12. ACTION ITEMS

- 12.1.** [ID-2018-333](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Commercial Property Transfer Tax Policy. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A: Commercial Property Transfer Tax Policy](#)
[APPROVED Resolution No. 18-86](#)

- 12.2. [ID-2018-377](#) Resolution Of The City Council Of The City Of Emeryville Approving An Agreement Of Employment Between The Management Of Emeryville Services Authority (MESA) And James Nil Holgersson As Interim City Manager And Authorizing The Chair Of The Board Of Directors To Execute Said Agreement On Behalf Of MESA. (Lisa Lopez)
(In Conjunction With Management of Emeryville Services Authority Regular Meeting Agenda Item 7.1.)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[APPROVED Resolution No. 18-87](#)

- 12.3. [ID-2018-351](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Enter Into And Execute An Agreement Between The City Of Emeryville And The Alameda County Fire Department Regarding Fire And Emergency Services. (Lisa Lopez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[E34 Unit 170](#)
[E-35 Unit 171](#)
[T-535 Unit 200](#)
[Emeryville Budget and 5-yr Projection](#)
[Emeryville Response Plan](#)
[Emeryville Response Map](#)
[Emeryville Equipment Exhibit](#)
[City of Oakland Subcontract 06302019](#)
[BA AlamedaCoFD 17-06-06 OPEB Emeryville Withdrawal Illustration](#)
[APPROVED Resolution No. 18-88](#)

- 12.4. [ID-2018-379](#) Update Re: Special Assessment In The Amount of \$50,145.75 Against The Property Owned By Andre Carpiaux, 1264 Ocean Avenue, Emeryville, CA (APN 049-1469-008). (Michael Guina)

Attachments: [Staff Report](#)
[Exhibit A - Resolution 18-29](#)

13. DEPARTMENT HEAD REPORTS**14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS****15. ADJOURNMENT****16. LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

- 16.1. [ID-2018-342](#) **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.

June 21, 2018 Special City Council Closed Session Meeting

- Closed Session: Public Employee Employment, City Manager

July 10, 2018 *Special* City Council Meeting

- Annual Community Advisory Body Interviews/Appointments

July 10, 2018 Regular City Council Meeting

- Introduction: New Deputy City Clerk
- Public Hearing: Sherwin Williams PUD Amendment for Horton St. Trees (continued from 4/17/18)
- Ordinance Introduction: Smoking Ordinance Amendment
- ADA Transition Plan

July 24, 2018 City Council Meeting

- Public Hearing: 1270 Ocean Avenue Project
- Parking Management Plan
- Designation of Voting Delegates/Alternates for LOCC Annual Conference

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 JULY 10, 2018, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608