



CITY OF EMERYVILLE
AGENDA
City Council

Emeryville City Hall
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Members:

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

AMENDED

Tuesday, July 10, 2018

7:16 PM

Council Chambers

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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

2. ROLL CALL

3. APPROVAL OF FINAL AGENDA

4. SPECIAL ORDERS OF THE DAY

4.1. [ID-2018-421](#) Introduction: Interim City Manager James Holgersson. (Lisa Lopez)

4.2. [ID-2018-350](#) Introduction: Deputy City Clerk Thai Pham. (Sheri Hartz)

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-2018-407](#) Warrants. (Susan Hsieh)
Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
- 10.2. [ID-2018-393](#) Action Minutes of the June 19, 2018, Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.3. [ID-2018-394](#) Action Minutes of the June 19, 2018 Emeryville City Council Special Study Session. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.4. [ID-2018-397](#) Action Minutes of the June 19, 2018 Emeryville City Council Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.5. [ID-2018-398](#) Resolution Of The City Council Of The City Of Emeryville Declaring The Results Of The Emeryville Consolidated General Municipal Election Held On Tuesday, June 5, 2018, As To The Election For And Against Measure C. (Sheri Hartz)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Certificate of Results](#)
[APPROVED Resolution No. 18-96](#)
- 10.6. [ID-2018-399](#) Resolution Calling for the General Municipal Election November 6, 2018; Requesting Approval of Consolidation with the County of Alameda County; Requesting the County Registrar of Voters Perform Certain Election Services in Connection with Said November 6, 2018 Election; and Authorizing the City of Emeryville to Reimburse the County Registrar of Voters for Election Services Performed. (Sheri Hartz)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 18-97](#)

- 10.7.** [ID-2018-316](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Purchasing And License Agreement With Sunridge Systems, Inc, Inc. For Software, Services, And Hardware Necessary To Implement A New Computer Aided Dispatch And Records Management System In The Police Department In An Amount Not To Exceed \$293,104. (Jennifer Tejada / Oliver Collins)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
- 10.8.** [ID-2018-403](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Amendment And 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 From \$170,230 To \$240,230 And Appropriate Said Funds When Received To Account 230-53600. (Pedro Jimenez)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Amendment #2: CSPP-7008-02](#)
[Approved Resolution 17-134](#)
[Approved Resolution 17-169](#)
[APPROVED Resolution No. 18-98](#)
- 10.9.** [ID-2018-381](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Agreement (PSA) With Callander Associates For Design Services For The 40th Street/San Pablo Avenue Median Rehabilitation Project In An Amount Not To Exceed \$66,565 And To Execute An Amendment To The PSA In The Future To Add Up To \$40,000 In Additional Scope If Required To Accommodate The 40th Street And San Pablo Avenue Transit Hub Project. (Charles S. Bryant / Chadrick Smalley)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Professional Services Agreement](#)
[APPROVED Resolution No. 18-99](#)

- 10.10.** [ID-2018-382](#) Resolution Of The City Council Of The City Of Emeryville Adopting The 2018 Housing Affordability Table Pursuant To The Affordable Housing Program (Article 4 Of Chapter 5 Of The Planning Regulations). (Charles S. Bryant / Chadrick Smalley / Catherine J. Firpo)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - 2018 Housing Affordability Table](#)
[Attachment 3 - State Rent and Income Limits](#)
[APPROVED Resolution No. 18-100](#)
- 10.11.** [ID-2018-383](#) 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 2018-19. (Charles S. Bryant / Chadrick Smalley / Catherine J. Firpo)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Agreement](#)
[APPROVED Resolution No. 18-101](#)
- 10.12.** [ID-2018-368](#) Resolution of the City Council of the City of Emeryville Authorizing the City Manager to Enter Into A Professional Services Agreement With Noble Consultants, Inc. In An Amount Not To Exceed \$90,035 For Engineering Design and Regulatory Permitting Services For Point Emery Shoreline Protection Project, EPW 101-18 (CIP #16243031). (Andrew Clough / Michael Roberts)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Professional Services Agreement - Noble Consultants](#)
[Exhibits A and B](#)
[APPROVED Resolution No. 18-102](#)

- 10.13.** [ID-2018-386](#) Resolution Of The City Council Of The City of Emeryville Appropriating In Fiscal Year 2018/2019 Amounts Of \$230,000 From Measure B - VLF (Fund #238) And \$70,000 From Measure B - Bicycle and Pedestrian (Fund #262); To Increase Appropriations In Fiscal Year 2018/2019 By Amounts Of \$850,000 From Measure B - Local Streets & Roads (Fund #240), \$310,000 From Measure BB - Local Streets & Roads (Fund # 242), And \$1,208,000 From 1999 Bond Funds (Fund #444); And Authorizing The City Manager To Enter Into A Contract With Telfer Pavement Technologies, LLC In An Amount Not To Exceed \$1,573,225.50 For The Construction Of The 2017/2018 Street Rehabilitation and Preventive Maintenance Project, Phase 2, EPW 18-104 (CIP No. 17240005). (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A.pdf](#)
[Agreement \(EPW-18102\).docx](#)
[APPROVED Resolution No. 18-103](#)

- 10.14.** [ID-2018-387](#) Resolution Of The City Council Of The City Of Emeryville Granting The City Manager Signature Authority For All Agreements Necessary To Assure Completion Of The Quiet Zone Safety Engineering Measures Project; CEQA Determination: Exempt Pursuant To 15301(c). (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - Application](#)
[Attachment B - Adopted TCEP Project List](#)
[Attachment C - SB 1 Baseline Agreement Template](#)
[APPROVED Resolution No. 18-104](#)

- 10.15.** [ID-2018-385](#) Resolution Of The City Council Of The City Of Emeryville Approving The Request To The Metropolitan Transportation Commission By The City Of Emeryville For An Allocation Of Transportation Development Act Article 3 Pedestrian And Bicycle Project Funding For Fiscal Year 2018/2019; CEQA Determination: Exempt Pursuant To 15301(c). (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - Findings](#)
[Attachment B - Application](#)
[APPROVED Resolution No. 18-105](#)

- 10.16. [ID-2018-392](#) Joint City Of Emeryville And AC Transit Letter To Caltrans Regarding Bus-Only Left Turn Onto Westbound I-80 On-Ramp. (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Draft Letter to Caltrans](#)

- 10.17. [ID-2018-405](#) Resolution Of The City Council Approving And Consenting to A Side Letter Agreement to the Memorandum Of Understanding Between The Management Of Emeryville Services Authority (MESA) and The Service Employees International Union, Local 1021 (SEIU) With A Term Effective July 1, 2018 Through June 30, 2019. (Lisa Lopez)
(In Conjunction With Management Of Emeryville Services Authority Agenda Item 6.3.)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Side Letter Agreement](#)

[APPROVED Resolution No. 18-106](#)

11. PUBLIC HEARINGS

- 11.1. [ID-2018-384](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Arrow Sign Company On Saturday, July 21, 2018 Between The Hours Of 6:00 A.M. And 5:00 P.M. For The Installation Of Two Tanium High-Rise Signs At 2100 Powell Street (APN: 49-1495-9) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Applicant Request Letter](#)

[APPROVED Resolution No. 18-107](#)

12. ACTION ITEMS

- 12.1. [ID-2018-273](#) First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapter 29 Of Title 5 Of The Emeryville Municipal Code, "Smoking Pollution Control"; CEQA Determination: Exempt Pursuant To Section 15061(B)(3) Of The California CEQA Guidelines. (Michael Guina)

Consideration of a Memorandum of Understanding Between the City of Emeryville and the County of Alameda Public Health Department Regarding Provision of Education and Outreach for City's Smoking Pollution Control Ordinance. (Michael Guina)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[Proposed MOU](#)

- 12.2. [ID-2018-425](#) Direction On Potential Revenue Measures For The November 2018 Election. (Susan Hsieh)

Attachments: [Staff Report](#)

[Attachment: Cannabis Tax Rate Analysis](#)

[Late Correspondence \(July 10, 2018\)](#)

[Late Correspondence \(July 10, 2018\)](#)

[Late Correspondence \(July 10, 2018\)](#)

[Late Correspondence \(July 10, 2018\)](#)

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2018-371](#) Planning Director's report on Planning Commission actions at the June 28, 2018 meeting:

(a) Ocean View Townhomes - Consideration of a Conditional Use Permit and Design Review Permit to demolish an existing single family home and replace it with a three-unit residential building at 1270 Ocean Avenue, and a Tree Removal Permit for two street trees on Ocean Avenue. *

(b) Sherwin Williams Surface Parking Lot - Consideration of a Conditional Use Permit to allow a temporary surface parking lot accommodating 140 spaces to support office use in the existing building at the Sherwin Williams Planned Unit Development (PUD) site until a new garage building (identified on Parcel B2 of the approved PUD) is constructed. **

(c) Shellmound Way General Plan Amendment - Consideration of a General Plan Amendment to revise the location of Shellmound Way such that it coincides with its current location 250 feet south of what is shown on Figure 3-1, "Circulation", in the General Plan and other maps in the General Plan; and to add an east-west bicycle and pedestrian path to Figure 3-1 and other maps in the General Plan between Christie Avenue and Shellmound Street generally along the property line between 5850 Shellmound Way and 5890 Christie Avenue. ***

(d) 5850 Shellmound Way Mixed Use Project - A second study session to review a Conditional Use Permit and Design Review proposal to demolish an existing 61,000 square foot office building and replace it with an eight-story building accommodating 244 rental residential units with 7,000 square feet of ground floor commercial space.

* Conditional Use Permit and Design Review Permit require City Council approval, which is tentatively scheduled for consideration at the July 24, 2018 Council meeting. Tree Removal Permit is 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 subject to "call for review" (i.e. appeal) by motion of the City Council pursuant to Section 9-7.1406 of the Planning Regulations.

*** General Plan Amendment requires City Council approval, which is tentatively scheduled for consideration at the September 4, 2018 Council meeting.

The packet for the June 28, 2018 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

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

- 16.1.** [ID-2018-413](#) 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.

July 24, 2018 City Council Meeting

- Public Hearing: 1270 Ocean Avenue Project
- Parking Management Plan
- ADA Transition Plan
- First Reading and Introduction of Ordinances Associated with Potential November Ballot Measures
- Designation of Voting Delegates/Alternates for LOCC Annual Conference

August 3, 2018 City Council Meeting

- Second Reading and Adoption of November Ballot Measures, if Directed

There are no further City Council meetings scheduled for August. The next scheduled meeting is on September 4, 2018.

When published, the packets for City Council meetings can be viewed online at www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive.

THE NEXT REGULAR MEETING WILL BE ON JULY 24, 2018, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608