



## 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:

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

#### AMENDED

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**Tuesday, July 24, 2018**

**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**

**2. ROLL CALL**

**3. APPROVAL OF FINAL AGENDA**

**4. SPECIAL ORDERS OF THE DAY**

- 4.1. [ID-2018-444](#) Introduction: Accounting Supervisor Gilbert Punsalan. (Susan Hsieh)

**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-2018-437](#) Warrants. (Susan Hsieh)  
**Attachments:** [Staff Report City](#)  
[Wire Transfers City](#)  
[Check Register City](#)
- 10.2. [ID-2018-432](#) Action Minutes of the July 10, 2018, Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.3. [ID-2018-433](#) Action Minutes of the July 10, 2018, Emeryville City Council Special Meeting - Mayor's State of the City Address. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2018-434](#) Action Minutes of the July 10, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.5. [ID-2018-436](#) Action Minutes of the July 10, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.6. [ID-2018-447](#) Action Minutes of the July 18, 2018, Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.7. [ID-2018-427](#) Resolution Of The City Council Of The City Of Emeryville Resolution Calling On The United States Congress To Award Chinese American World War II Veterans With The Congressional Gold Medal. (Mayor Bauters)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 18-108](#)
- 10.8. [ID-2018-428](#) Resolution Of The City Council Of The City Of Emeryville In Support Of Schools And Local Communities Funding Act. (Vice Mayor Medina)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 18-109](#)

- 10.9.**     [ID-2018-304](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 3 To The Professional Services Agreement With Biggs Cardosa Associates Inc., To Increase The Compensation Amount by \$848,400, For A Total Amount Not To Exceed \$1,249,140, For Design Services Related To The South Bayfront Pedestrian Bicycle Bridge, CIP# 16475006 And Horton Landing Park Expansion, CIP# 17237003. (Andrew Clough / Todd Teachout))

**Attachments:**     [Staff Report](#)  
                              [Initial Agreement with Exhibits](#)  
                              [Amendment No. 1](#)  
                              [Amendment No. 2](#)  
                              [Draft Resolution](#)  
                              [Amendment No. 3](#)  
                              [Scope of Work](#)  
                              [APPROVED Resolution No. 18-110](#)

- 10.10.**     [ID-2018-331](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 2 To Professional Services Agreement With EKI Environment & Water, Inc., Increasing The Compensation By \$80,000, For A Total Compensation Amount Not To Exceed \$142,000 For Environmental Services For The South Bayfront Bridge/Horton Landing Park Project, EPW 17-112 (CIP # 16475006). (Andrew Clough / Todd Teachout))

**Attachments:**     [Staff Report](#)  
                              [Initial Agreement with Exhibits](#)  
                              [Amendment No. 1](#)  
                              [Draft Resolution](#)  
                              [Amendment No. 2](#)  
                              [Scope of Work](#)  
                              [APPROVED Resolution No. 18-111](#)

- 10.11. [ID-2018-422](#) Second 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)

Resolution Of The City Council Of The City Of Emeryville Authorizing the City Manager to Execute 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

**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)  
[Draft Resolution](#)  
[MOU](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2018-424](#) Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review Permit For "Ocean View Townhomes", Involving The Demolition Of An Existing Single Family Home And Its Replacement With A Three-Unit Residential Building At 1270 Ocean Avenue (APN49-1469-10) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303(b) and 15061(b)(3)). (Charles S. Bryant / Navarre Oaks)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Applicant Narrative Letter](#)  
[Attachment 2 - Correspondence from Neighbors](#)  
[Attachment 3 - Arborist Report](#)  
[Draft Resolution](#)  
[Exhibit A - Conditions of Approval and Attachments](#)  
[Project Plans](#)  
[APPROVED Resolution No. 18-112](#)

## 12. ACTION ITEMS

- 12.1.**     [ID-2018-448](#)     Resolution Of The City Council Of The City Of Emeryville Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Approve A Business License Tax On Cannabis Businesses At The General Municipal Election To Be Held On Tuesday, November 6, 2018; Requesting Consolidation By The Alameda County Board Of Supervisors Of The Election Regarding Said Measure With The General Election To Be Held On The Same Date And That Alameda County Provide Election Services With Full Reimbursement By The City Of Emeryville; Setting City Council Priority For Filing Written Argument; Directing The City Attorney To Prepare An Impartial Analysis; Authorizing The Filing Of Rebuttal Argument; CEQA Determination: Exempt Pursuant To CEQA Guidelines 15378(b)(4) And 15061(b)(3)

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [Exhibit A to Resolution.Option 1](#)  
                              [Exhibit A to Resolution.Option 2](#)  
                              [Exhibit A to Resolution.Option 3](#)  
                              [APPROVED Resolution No. 18-113](#)

- 12.2.**     [ID-2018-423](#)     Resolution Of The City Council Of The City Of Emeryville Adopting The Emeryville Parking Management Plan (CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15301(c) Which Applies To Operation And Minor Alteration Of Existing Streets, Sidewalks, And Similar Facilities). (Charles S. Bryant / Chadrick Smalley / Amber Evans)

**Attachments:**     [Staff Report](#)  
                              [Attachment 1 - Recommended Permit Areas](#)  
                              [Attachment 2 - Recommended Phases](#)  
                              [Attachment 3 - Financial Analysis](#)  
                              [Draft Resolution](#)  
                              [Exhibit A - Parking Management Plan](#)  
                              [Late Correspondence \(Betsy Cooley\)](#)  
                              [Late Correspondence \(Anonymous\)](#)  
                              [Late Correspondence \(Louise Engel, A.I.C.P.\)](#)  
                              [Late Correspondence \(Eric Maki\)](#)

- 12.3.**     [ID-2018-445](#)     City Council Update Police Administration Building, 2449 Powell Street (James N. Holgersson)

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

- 12.4. [ID-2018-426](#) Designation Of Voting Delegate And Alternate(s) To The League Of California Cities Annual Conference. (Sheri Hartz)

Attachments: [Staff Report](#)  
[Attachment 1](#)  
[Attachment 2](#)

### 13. DEPARTMENT HEAD REPORTS

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

### 15. ADJOURNMENT

### 16. LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

- 16.1. [ID-2018-439](#) 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.

August 3, 2018 City Council Meeting

- Public Hearing: Establishing The FY 2018-19 Property and Business Improvement District (PBID) Annual Assessment Levy And An Increase Of 3% On All Parcels, And Approving The Preliminary Budget
- Final Consideration of Ballot Measure for November 2018 Election (if needed)

There are no further City Council meetings scheduled for August.

September 4, 2018 City Council Meeting

- Public Hearing: Sherwin Williams PUD Amendment (Horton Street)
- 1st Reading of Ordinance: Parking Management/One-Way Car Share
- ADA Transistion Plan Informational Item

When published, the packets for City Council meetings can be viewed online at

[www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive](http://www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive).

THE NEXT REGULAR MEETING WILL BE ON AUGUST 3, 2018, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608