



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

Tuesday, September 4, 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.

PLEASE NOTE: Mayor John J. Bauters 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:

Tampa Marriott Waterside Hotel & Marina
700 S. Florida Avenue
Tampa, FL 33602
(415) 999-7932

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**
- 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-2018-481](#) Warrants. (Susan Hsieh)
Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
- 10.2. [ID-2018-468](#) Action Minutes of the July 24, 2018, Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)
Attachments: [Draft Action Minutes](#)
- 10.3. [ID-2018-471](#) Action Minutes of the July 24, 2018 Emeryville City Council Meeting. (Sheri Hartz)
Attachments: [Draft Action Minutes](#)
- 10.4. [ID-2018-472](#) Action Minutes of the August 3, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)
Attachments: [Draft Action Minutes](#)
- 10.5. [ID-2018-473](#) Action Minutes of the August 3, 2018, Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)
Attachments: [Draft Action Minutes](#)
- 10.6. [ID-2018-467](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2018 Amendment Of The City Of Emeryville Conflict Of Interest Code. (Sheri Hartz)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Appendix A](#)
[Appendix B](#)
[Appendix C](#)
[Form 804.pdf](#)
[APPROVED Resolution 18-116](#)

- 10.7. [ID-2018-465](#) Resolution Of The City Council Of The City Of Emeryville Endorsing the Diesel Free By '33 Statement of Purpose. (Mayor Bauters)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution 18-117](#)

- 10.8. [ID-2018-303](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Joint Exercise Of Powers Agreement (JPA) And All Other Implementing Agreements Of The Collection System Technical Advisory Committee (CSTAC). (Andrew Clough / Keely Nelson)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Joint Powers Agreement](#)
[Side Agreement](#)
[APPROVED Resolution 18-118](#)

- 10.9. [ID-2018-474](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Emeryville Greenway (Powell To Stanford) Project, EPW 102-16, CIP No. 16475029, As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Andrew Clough / Michael Roberts)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution 18-119](#)

11. PUBLIC HEARINGS

12. ACTION ITEMS

- 12.1. [ID-2018-459](#) Resolution Of The City Council Of The City Of Emeryville Approving An Agreement Of Employment Between The Management Of Emeryville Services Authority (MESA) And Christine S. Daniel As City Manager And Authorizing The Chair Of The Board Of Directors To Execute Said First Amendment On Behalf Of MESA. (Lisa Lopez)

(In Conjunction with Management of Emeryville Services Authority Agenda Item 7.1)

Attachments: [Staff Report](#)
[Draft MESA Resolution](#)
[Draft City Council Resolution](#)
[Contract](#)
[APPROVED Resolution 18-120](#)

- 12.2. [ID-2018-461](#) Smoking Pollution Control Ordinance; (Michael Guina / Andrea Visveshwara)

Attachments: [Staff Report](#)

- 12.2.1 [ID-2018-477](#)

Attachments: [Draft Ordinance](#)

- 12.2.2 [ID-2018-476](#)

Attachments: [Draft Resolution](#)

[Proposed MOU](#)

- 12.3. [ID-2018-455](#) Consideration Of League Of California Cities Annual Conference Resolutions Packet (Sheri Hartz)

Attachments: [Staff Report](#)

[2018 Annual Conference Resolution Packet](#)

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2018-458](#) Planning Director's report on Planning Commission actions at the August 23, 2018 meeting:

- (a) Swearing in of new Commissioners Jonathan Hidalgo and C. Tito Young.
- (b) Election of Officers.
- (c) 40th and San Pablo Bus Hub Draft Concept Options. Study session to comment on draft concept options for a re-design of 40th Street and part of San Pablo Avenue to improve conditions for bus riders, bicyclists, and pedestrians, while accommodating motor vehicles.*

* A City Council study session on this item is scheduled for Tuesday, October 16, 2018 beginning at 6:00 p.m.

The packet for the August 23, 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-2018-483](#) **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 17, 2018 City Council Meeting

- Study Session: Cannabis Business Tax Effective Rate
- Proclamation: Joyce Jacobson on her Resignation from Commission on Aging
- Proclamation: Suicide Prevention Awareness Month
- Introduction: New City Manager Christine Daniel
- Art Center Developer Decision
- Marina Public Art Contract - Ned Kahn
- Budget Adjustments
- Legislative Update: State Housing-Related Ballot Measures

October 2, 2018 City Council Meeting

- Advisory Body Interviews/Appointments
- ADA Transition Plan
- Discussion on PACE Programs

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 SEPTEMBER 17, 2018, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608