



**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

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**Monday, September 17, 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-2018-492](#)**

Proclamation Recognizing Joyce Jacobson For 22 Years Of Volunteer Service To The City Of Emeryville. (Brad Helfenberger/Pedro Jimenez)

Attachments: [Proclamation](#)

**4.2. [ID-2018-486](#)**

Proclamation: Suicide Prevention Awareness Month

Attachments: [Proclamation](#)

**4.3. [ID-2018-493](#)**

Proclamation: California Clean Air Day 2018

Attachments: [Proclamation](#)

**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-2018-501](#)    Warrants. (Susan Hsieh)  
**Attachments:**    [Staff Report City](#)  
                          [Wire Transfers City](#)  
                          [Check Register City](#)
- 10.2.**    [ID-2018-495](#)    Action Minutes of the September 4, 2018, Emeryville City Council / Management of Emeryville Services Authority / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session Meeting. (Sheri Hartz)  
**Attachments:**    [Action Minutes](#)
- 10.3.**    [ID-2018-498](#)    Action Minutes of the September 4, 2018 Emeryville City Council Meeting. (Sheri Hartz)  
**Attachments:**    [Action Minutes](#)
- 10.4.**    [ID-2018-488](#)    Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Professional Services Agreement With CDM Smith For The Emeryville Parking Management Plan Update, Increasing The Maximum Compensation By \$55,305 For A Total Amount Not To Exceed \$228,558 (Charles S. Bryant / Chadrick Smalley / Amber Evans)  
**Attachments:**    [Staff Report](#)  
                          [Draft Resolution](#)  
                          [Exhibit A - First Amendment to Professional Service Agreement](#)  
                          [APPROVED Resolution 18-121](#)
- 10.5.**    [ID-2018-490](#)    Resolution Of the City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment Of The Professional Services Agreement With Mills College For Labor Standards Outreach And Education Extending The Term Of The Agreement Through June 30, 2019 (Charles S. Bryant / Chadrick Smalley / April Shabazz)  
**Attachments:**    [Staff Report](#)  
                          [Draft Resolution](#)  
                          [Exhibit A - First Amendment to Professional Services Agreement](#)  
                          [APPROVED Resolution 18-122](#)

- 10.6.**     [ID-2018-491](#)     Resolution Of the City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment Of The Professional Services Agreement With The Labor Compliance Managers For Labor Standards Administration and Enforcement Extending The Term Of The Agreement Through June 30, 2019 (Charles S. Bryant / Chadrick Smalley / April Shabazz)

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [Exhibit A - First Amendment to Professional Services Agreement](#)  
                              [APPROVED Resolution 18-123](#)

- 10.7.**     [ID-2018-464](#)     Resolution Of The City Council Of The City Of Emeryville Appropriating In Fiscal Year 2018/2019 Amounts Of \$290,740.99 From General Capital Fund; And Authorizing The City Manager To Enter Into A Professional Services Agreement With CTC, Inc. In An Amount Not To Exceed \$290,740.99 For The Performance Of Project Management, Environmental Analysis, Preliminary Engineering Design, Plans, Specifications, And Estimates (PS&E), And Construction Bidding Phase Support Services For The Quiet Zone Safety Engineering Measures on 65th, 66th, and 67th Streets Project. (Andrew Clough / Ryan O'Connell)

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [Professional Service Agreement for CTC Inc.](#)  
                              [Exhibit A - CTC Inc. Proposal](#)  
                              [Exhibit B - Cost Proposal](#)  
                              [Request For Proposal Quiet Zone Safety Engineering Measures](#)  
                              [APPROVED Resolution 18-124](#)

- 10.8.**     [ID-2018-475](#)     Consideration Of Transportation Committee Recommendation For Request For Extension Of Yellow Zone On The West Side Of Holden Street, South Of 45th Street. (Andrew Clough / Keely Nelson)

**Attachments:**     [Staff Report](#)  
                              [Attachment 1 - Holden St. Yellow Zone Extension](#)

- 10.9.**     [ID 2018-466](#)     Resolution Of The City Council Of The City of Emeryville Appropriating In Fiscal Year 2018/2019 Amounts Of \$99,236.62 From Measure B - Bicycle and Pedestrian (Fund #262); And Authorizing The City Manager To Enter Into A Maintenance Contract With DC Electric Group, Inc. In An Amount Not To Exceed \$283,236.62 For The Maintenance And Repair Of Traffic Signals, Streetlights And Safety Lighting For Fiscal Year 2018-2019. (Andrew Clough / Ryan O'Connell)

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [DC Maintenance Agreement](#)  
                              [APPROVED Resolution 18-125](#)

- 10.10.**     [ID-2018-484](#)     Resolution Of The City Council Of Emeryville Authorizing The City Manager To Enter Into The First Amendment To Professional Services Agreement With Kimley-Horn And Associates, Inc., Increasing The Contract Price By \$28,600, To An Amount Not To Exceed \$71,600 For Traffic Engineering Services On An On-Call Basis. (Ryan O'Connell / Andrew Clough)

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [Professional Service Agreement 1st Amendment](#)  
                              [Exhibit A - Proposal](#)  
                              [APPROVED Resolution 18-126](#)

- 10.11.**     [ID-2018-485](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into The First Amendment To Professional Services Agreement With Sally Swanson Architects, Inc., Increasing The Contract Price By \$10,000.00, To An Amount Not To Exceed \$164,798.00 For The Performance Of An ADA Access Compliance Survey For City-Wide Public Right-Of-Way And Facilities, And To Develop An ADA Transition Plan. (Ryan O'Connell / Andrew Clough)

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [Professional Service Agreement - 1st Amendment](#)  
                              [Exhibit A - 1st Amendment Proposal](#)  
                              [Original Professional Service Agreement](#)  
                              [APPROVED Resolution 18-127](#)

- 10.12.** [ID-2018-494](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Maintenance Contract With Integrity Construction Maintenance Inc. Increasing The Contract Amount By \$79,415 To An Amount Not To Exceed \$434,415 For Facilities Maintenance Of City Owned Buildings for Fiscal Year 2017-18 Using Funds Sufficient And Available For Appropriation in Fund 650 Major Maintenance - Account 77030. (Andrew Clough)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[First Amendment - ICM FY 2017-18](#)  
[APPROVED Resolution 18-128](#)

## **11. PUBLIC HEARINGS**

- 11.1.** [ID-2018-499](#) 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 September 18, 2018. (Susan Hsieh / Charles S. Bryant)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A](#)  
[APPROVED Resolution 18-129](#)

## **12. ACTION ITEMS**

- 12.1. [ID-2018-489](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into Negotiations For An Exclusive Right To Negotiate Agreement With Orton Development Inc. For The Development And Operation Of An Art Center At 4060 Hollis Street (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

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

[Draft Resolution](#)

[Attachment 2 - Interview Scoring Results](#)

[Attachment 3 - Excerpts of ODI Proposal](#)

[Attachment 4 - Excerpts of MSL Proposal](#)

[Attachment 5 - Excerpts of CAST Proposal with follow-up letter](#)

[Attachment 6 - RFQP \(Without Attachments\)](#)

[Attachment 7 - Preliminary Staff Review Comments](#)

[Late Correspondence - Paul Dresher Ensemble](#)

[Late Correspondence - Kenneth Rainin Foundation](#)

[Late Correspondence - Luna Dance Institute](#)

[Late Correspondence - San Francisco Arts Commission](#)

[Late Correspondence - Jonathan Youtt](#)

[APPROVED Resolution 18-130](#)

- 12.2. [ID-2018-457](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Public Art Committee's Recommendation To Select The Proposal Wind Jetty For The Emeryville Marina Public Art Project And Authorizing The City Manager To Execute An Agreement With Artist Ned Kahn For Design, Fabrication, Transportation, And Installation Of The Art Work In An Amount Not To Exceed \$150,000 (Charles S. Bryant / Chadrick Smalley / Amber Evans)

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

[Draft Resolution](#)

[Exhibit A - Agreement](#)

- 12.3.**     [ID-2018-500](#)     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

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 And Rescinding Resolution No. 18-115

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

**12.3.1**     [ID 2018-507](#)

**Attachments:**     [Proposed Ordinance](#)  
                              [APPROVED Ordinance 18-003](#)

**12.3.2**     [ID-2018-508](#)

**Attachments:**     [Draft Resolution](#)  
                              [Memorandum of Understanding](#)  
                              [APPROVED Resolution 18-132](#)

- 12.4.**     [ID-2018-506](#)     An Ordinance Of The City Council Of The City Of Emeryville Amending Section 2-7.601 "Declaration of Policy"; CEQA Determination: Exempt Pursuant To Section 15061(B)(3) Of The California CEQA Guidelines (Lisa Lopez)

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

- 12.5.**     [ID-2018-505](#)     **Resolution Of The City Council Of The City Of Emeryville Amending The Budget For Fiscal Year 2017-18. (Susan Hsieh)**

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [Appendix A - FY 17-18 Proposed Budget Adjustments](#)  
                              [Budget in Brief Brochure](#)  
                              [APPROVED Resolution 18-133](#)



- 12.6. [ID-2018-503](#) Discussion of Legislative Actions for November 2018 Ballot. (Sheri Hartz)

Attachments: [Staff Report](#)  
[Townsend Memo](#)  
[Full Texts of Bills](#)

**13. DEPARTMENT HEAD REPORTS**

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

**15. ADJOURNMENT**

**16. LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

- 16.1. [ID-2018-510](#)** **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.

October 2, 2018 City Council Meeting

- Advisory Body Interviews/Appointments
- Introduction: New City Manager, Christine Daniel
- Presentation: Recognition of Long-term City Employees
- Proclamation: Domestic Violence Awareness Month
- ADA Transition Plan
- Discussion on PACE Programs

October 16, 2018 City Council Meeting

- Study Session: 40th and San Pablo Transit Hub
- Sherwin-Williams Agreements: Affordable Housing, Operation and Maintenance, Reimbursement
- 1st Reading: Eco-friendly Foodware Ordinance
- Discussion: Electric Scooters

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 OCTOBER 2, 2018, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608