



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, October 16, 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:

- 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-2018-544](#) Warrants. (Susan Hsieh)**

Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)

- 10.2. [ID-2018-536](#) Action Minutes of the October 2, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.3. [ID-2018-538](#) Action Minutes of the October 2, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.4. [ID-2018-571](#) Resolution Of The City Council Of The City Of Emeryville Setting A Public Hearing Date Of November 13, 2018 For An Appeal Of The Planning Commission's September 27, 2018 Approval Of A Major Conditional Use Permit For A Temporary Surface Parking Lot On Marketplace Parcel B At 6000 Shellmound Street (APN: 49-1556-16) (Charles S. Bryant / Miroo Desai)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[ADOPTED Resolution No. 18-145](#)
- 10.5. [ID-2018-534](#) Resolution Of The City Council Of The City Of Emeryville Approving The Form Of The Affordable Housing Agreement Between SWACE LLC And The City Of Emeryville; And Authorizing The City Manager To Execute Multiple Agreements Based On The Form Agreement For The Incorporation Of 85 Below Market Rate Units In The Sherwin Williams Project, Including 35 Units For Moderate Income Households, 30 Units For Low Income Households, And 20 Units For Very Low Income Households, To Be Dispersed Throughout Lots 2-5 Created By Vesting Tentative Map 8357 Approved By The Emeryville Planning Commission By CPC Resolution No. SUBDIV16-002 On May 25, 2017 (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Form of Sherwin Williams Affordable Housing Agreement.pdf](#)
[ADOPTED Resolution No. 18-146](#)

- 10.6. [ID-2018-543](#) Resolution of the City Council of the City of Emeryville Authorizing the City Manager to Execute the Sherwin Williams Operations and Maintenance Agreement And Obligation Regarding Master Association ("O&M Agreement"), and Authorizing the City Manager and the Public Works Director to Take Action as Contemplated by the O&M Agreement. (Andrew Clough / Michael Guina / Andrea Visveshwara)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[O and M Agreement](#)
[ADOPTED Resolution No. 18-147](#)

11. PUBLIC HEARINGS

12. ACTION ITEMS

- 12.1. [ID-2018-540](#) Resolution Of The City Council Of The City Of Emeryville Approving The Purchase Of Art Work For The City's Annual Purchase Award Program Entitled "*Silhouette*" By Emeryville Artist Sara Paloma With Funding Of Up To \$9,400 From The Public Art Fund (Fund 243) For The Purchase And Installation Of The Art Work (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment 1 - Artist Biographies](#)
[Attachment 2 - Art Work Images](#)
[ADOPTED Resolution No. 18-148](#)

- 12.2. [ID-2018-539](#) Consideration Of Park and Recreation Committee Recommendation For Request To Increase CIP Funding To Davenport Park Rehabilitation from \$25,000 Rehabilitation For Improvements to \$150,000 For A New Playground And Park Equipment, Fencing, Safety Fall Material and Site Preparation. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Davenport Park Proposals](#)
[Late Correspondence - Betsy Cooley](#)

- 12.3. [ID-2018-533](#) Consideration of 40th and San Pablo Bus Hub Concept Options (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)
[Attachment 1 - Summary of Survey and Workshop Responses](#)
[Attachment 2 - Initial Range of Design Concepts Memorandum](#)

- 12.4. [ID-2018-557](#) Discussion of E-Scooter Regulations and Dockless Bike-Share Bicycles. (Vice Mayor Medina)

Attachments: [Staff Report](#)

[Attachment A - E-Scooter Research/Summary](#)

[Attachment B - E- Scooter CA Laws](#)

- 12.5. [ID-2018-541](#) Council Discussion On Whether To Take Future Action To Join The City Possible Network By Signing A Memorandum Of Understanding ("MOU") With Mastercard. (Vice Mayor Medina)

Attachments: [Staff Report](#)

[Invitation to Join City Possible](#)

[Draft MOU](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2018-542](#)

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 30, 2018 City Council Meeting

- Study Session: Eco-friendly Foodware
- Special Meeting: Legislative Recap and 2019 Priority Setting
- Public Hearing: San Pablo Avenue Modifications for Senior Housing Project at 43rd Street
- Amendment to City Manager Contract
- Parking Management Plan Adoption
- Setting Cannabis Business Tax Effective Rate
- Discussion: Emeryville's Membership in the League of California Cities

November 13, 2018 City Council Meeting

- Presentation: Healthy Home Grows
- Art Center - Exclusive Right to Negotiate with Orton Development
- Economic Development Strategy Annual Report
- TMA (Emery Go Round) Budget
- ADA Transition Plan

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

www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive.