



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

---

**Tuesday, October 30, 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**

- 4.1. [ID-2018-589](#) Swearing-In of new Police Sergeant Pablo Rojas. (Chief Tejada)

**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-2018-594](#) Warrants. (Susan Hsieh)  
**Attachments:** [Staff Report City](#)  
[Wire Transfers City](#)  
[Check Register City](#)
- 10.2. [ID-2018-584](#) Action Minutes of the October 16, 2018 Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.3. [ID-2018-585](#) Action Minutes of the October 16, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2018-587](#) Action Minutes of the October 16, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.5. [ID-2018-550](#) Annual Development Impact Fee Report - Fiscal Year 2017-2018 (Charles S. Bryant)  
**Attachments:** [Staff Report](#)  
[Attachment 1 - Public Facilities Funded by Development Impact Fees](#)  
[Attachment 2 - Impact Fees Revenues, Expenditures, and Fund Balances - FY 17-18](#)  
[Attachment 3 - Impact Fee Projects from FY 17-21 CIP](#)  
[Attachment 4 - City of Emeryville Development Impact Fees FY17-18](#)
- 10.6. [ID-2018-552](#) Resolution Of The City Council Of The City Of Emeryville Approving Artists Priscilla Birge, Rosa Cruglez, Ana Lisa Hedstrom, Ann Holsberry, Packard Jennings and Yuzo Nakano, And Alternate Artists Stephen Skaar and Claudia Tennyson For The Bus Shelter Temporary Art Program - Phase V And Authorizing The City Manager To Execute Agreements With The Approved Artists For Final Design Of The Art Works In Amounts Not To Exceed \$4,000 For Each Artist (Charles S. Bryant / Chadrick Smalley / Amber Evans)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Attachment - Art Work Imagery by Proposed Artists](#)  
[APPROVED Resolution No. 18-149](#)

- 10.7.**     [ID-2018-573](#)     Consideration Of Transportation Committee Recommendation For Requests For Loading Zones At East Bay Therapeutics, Blue Zone At Emeryville Senior Center, And Red Curb Tips On Driveways Of 1058 43rd Street And 1032 47th Street. (Andrew Clough / Keely Nelson)
- Attachments:**     [Staff Report](#)
- [Attachment 1 – 5745 Peladeau Street](#)
- [Attachment 2 – 4321 Salem Street](#)
- [Attachment 3 – 1058 43rd Street](#)
- [Attachment 4 – 1032 47th Street](#)
- 
- 10.8.**     [ID-2018-578](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Master Funding Agreement With Metropolitan Transportation Commission (MTC); And Resolution Of The City Council Of The City of Emeryville Authorizing the City Manager To Execute A Funding Agreement For Innovative Deployments To Enhance Arterials (IDEA) Category 2 Project, A Supplement 1 To The Master Funding Agreement With MTC, And For All Other Agreements Necessary To Implement The IDEA Project (Andrew Clough / Ryan O'Connell)
- Attachments:**     [Staff Report](#)
- [Exhibit A - Funding Agreement Summary](#)
- [Exhibit B - MTC Master Funding Agreement](#)
- [Exhibit C - MTC Funding Agreement for IDEA Category 2 Project](#)
- [Exhibit D - Supplement 1 to Master Funding Agreement](#)
- 
- 10.8.1**     [ID-2018-607](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Master Funding Agreement With Metropolitan Transportation Commission (MTC) (Andrew Clough / Ryan O'Connell)
- Attachments:**     [Draft Resolution - MTC Master Agreement](#)
- [APPROVED Resolution No. 18-150](#)
- 
- 10.8.2**     [ID-2018-608](#)     Resolution Of The City Council Of The City of Emeryville Authorizing the City Manager To Execute A Funding Agreement For Innovative Deployments To Enhance Arterials (IDEA) Category 2 Project, A Supplement 1 To The Master Funding Agreement With MTC, And For All Other Agreements Necessary To Implement The IDEA Project (Andrew Clough / Ryan O'Connell)
- Attachments:**     [Draft Resolution - IDEA Signature Authority](#)
- [APPROVED Resolution No. 18-151](#)

- 10.9.**     [ID-2018-598](#)     Authorization By The City Council Of The City Of Emeryville For The Mayor To Issue A City Proclamation At A Special Event. (Sheri Hartz)

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

- 10.10.**     [ID-2018-592](#)     Resolution Of The City Council Of the City Of Emeryville Authorizing the City Manager To Accept A Grant From The U.S. Department Of Justice, Office Of The Attorney General, Bureau Of Justice Assistance (BJA) Program, In The Amount Of \$67,500 To Upgrade The Police Body Worn Camera System ("Grant"), Execute The Funding Agreement For The Grant And The Grant Funds To Be Added To Fund Account 254-Grant Project Number 19254011 - Body Worn Camera. (Captain Oliver Collins)

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

[Draft Resolution](#)

[Grant Application](#)

[Grant Terms and Conditions](#)

[APPROVED Resolution No. 18-152](#)

## **11. PUBLIC HEARINGS**

- 11.1.**     [ID-2018-546](#)     San Pablo Avenue General Plan and Planning Regulations Amendments (Charles S. Bryant / Miroo Desai)

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

[Attachment 1 - Subject Parcels](#)

[Attachment 2 - General Plan EIR Addendum](#)

- 11.1.1**    [ID-2018-547](#)    A Resolution Of The City Council Of The City Of Emeryville Amending The General Plan To Increase The Maximum Development Potential That Could Occur Within An Area Of Approximately 2.5 Acres Fronting The East Side Of San Pablo Avenue From 40th Street To Approximately 170 Feet South Of 45th Street By Modifying Figure 2-3: Maximum Floor Area Ratios, Figure 2-4: Maximum Building Heights, And Figure 2-6: Maximum Residential Densities (APNs: 49-1026-2 (Partial), -22 (Partial), -23, -24 (Partial), -26-2 (Partial); 49-1079-13 (Partial), 14-1, 17-1, 19-4 (Partial); 49-1555-11 Through 19; -65, -66, and -67 (Partial)) (CEQA Determination: Addendum To 2009 General Plan EIR Prepared)

**Attachments:**    [Draft Resolution](#)

[Exhibit A: General Plan Figure 2-3: Maximum Floor Area Ratios](#)

[Exhibit B: General Plan Figure 2-4: Maximum Building Heights](#)

[Exhibit C: General Plan Figure 2-6: Maximum Residential Densities](#)

[APPROVED Resolution No. 18-153](#)

- 11.1.2**    [ID-2018-548](#)    Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations To Ensure Consistency With The General Plan By Updating Figure 9-4.201(a): Maximum Floor Areas Ratios, Figure 9-4.202(a): Maximum Building Heights, And Figure 9-4.203(a): Maximum Residential Densities To Reflect Updated General Plan Figures 2-3, 2-4, And 2-6, Respectively (CEQA Determination: Addendum To 2009 General Plan EIR Prepared)

**Attachments:**    [Draft Ordinance](#)

[Exhibit A of Draft Ordinance](#)

[Exhibit B of Draft Ordinance](#)

[Exhibit C of Draft Ordinance](#)

## **12. ACTION ITEMS**

- 12.1.**    [ID-2018-549](#)    Resolution Of The City Council Of The City Of Emeryville Establishing Initial Tax Rates For A Cannabis Business License Tax, Contingent Upon Measure S Taking Effect Following The November 6, 2018 General Election (Charles S. Bryant / Chadrick Smalley)

**Attachments:**    [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 18-154](#)

- 12.2.**     [ID-2018-590](#)     Resolution Of Intention To Approve An Amendment To Contract Between The Board Of Administration California Public Employees' Retirement System And The City Council Of The City Of Emeryville. (Lisa Lopez)

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

[Resolution of Intention](#)

[Exhibit A - Contract Amendment](#)

[Certification of Governing Body's Action](#)

[Certification of Compliance with Government Code Section 7507](#)

[Certification of Compliance with Government Code Section 20516](#)

[Certification of Employee Election](#)

[APPROVED Resolution No. 18-155](#)

- 12.3.**     [ID-2018-551](#)     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 - July 24, 2018 City Council Staff Report](#)

[Attachment 2 - Residential and Business Permit Areas](#)

[Attachment 3 - Full Implementation Map](#)

[Attachment 4 - Emeryville Automated License Plate Reader Policy](#)

[Draft Resolution](#)

[Exhibit A - Draft Final Parking Management Plan, October 12, 2018](#)

[Late Correspondence - Parking Management Questions](#)

[12.3 - 02 - Late Correspondence - Val Cipollone](#)

- 12.4.**     [ID-2018-582](#)     Resolution Of The City Council Of The City Of Emeryville Declaring A Shelter Crisis Pursuant To SB 850 (Chapter 48, Statutes Of 2018 And Government Code § 8698.2) And Authorizing Participation In The Homeless Emergency Aid Program (HEAP) (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

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

[Draft Resolution](#)

[APPROVED Resolution No. 18-156](#)

- 12.5.**     [ID-2018-579](#)     Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Amended And Restated Agreement Of Employment Between The Management Of Emeryville Services Authority And Christine Daniel As City Manager For A Three Year Period Commencing November 1, 2018, And Terminating October 31, 2021. (Lisa Lopez)

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [Contract](#)  
                              [APPROVED Resolution No. 18-157](#)

- 12.6.**     [ID-2018-597](#)     Council Discussion On The City's Membership In The League Of California Cities. (Mayor Bauters)

**Attachments:**     [Staff Report](#)  
                              [Attachment: Member v. Non-Member Costs](#)



### 13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2018-553](#) Planning Director's report on Planning Commission actions at the October 25, 2018 meeting:

- (a) Rochambeau Cannabis Retail Dispensary Amendment.  
Consideration of an amendment to a conditional use permit to add 2,210 square feet of existing space to an existing cannabis retail dispensary at 3996 San Pablo Avenue that was approved by the Planning Commission on February 22, 2018.\*

\* 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.

The packet for the October 25, 2018 Planning Commission meeting  
c a n   b e   v i e w e d   o n l i n e   a t  
[http://ca-emeryville.civicplus.com/Archive.aspx?  
AMID=43&Type=Recent](http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent)

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

### 15. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON NOVEMBER 13, 2018, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608

**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**[ID-2018-606](#)

**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.

November 13, 2018 City Council Meeting

- Proclamation: National Adoption Month
- Presentation: Access to Educational Health Information for Marijuana Home Grows
- Public Hearing: Appeal of Planning Commission Decision - Marketplace Parcel B Temporary Parking Lot
- Art Center - Exclusive Right to Negotiate with Orton Development
- Economic Development Strategy Annual Report
- TMA (Emery Go Round) Budget
- ADA Transition Plan

December 4, 2018 City Council Meeting

- Ordinance 1st Reading: Amending Ch. 14-Food Service Waste Reduction
- Adding Funds to MOU with City of Oakland for Winter Shelter Beds
- Adoption of City Council Meeting Calendar for 2019
- Special Meeting:
  - Declaring Results of the Election (Council Members and Measure S)
  - Installation of Elected Officials
  - Appointment of Mayor and Vice Mayor
  - Appointing Council Members to Local and Regional Committee Seats

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).