



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

--AMENDED--

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**Tuesday, April 2, 2019**

**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-2019-107](#) Proclamation Honoring And Commending Catherine Firpo Upon Her Retirement From The City Of Emeryville Community Development Department, Economic Development And Housing Division, After Eight Years of Continuous And Outstanding Service. (Charles S. Bryant / Chadrick Smalley)

**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-2019-117](#) Warrants. (Susan Hsieh)  
**Attachments:** [Staff Report](#)  
[Wire Transfers](#)  
[Check Register](#)
- 10.2. [ID-2019-109](#) Action Minutes of the March 19, 2019 Emeryville City Council Special Meeting - Committee Reports. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.3. [ID-2019-110](#) Action Minutes of the March 19, 2019 Emeryville City Council Study Session. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2019-111](#) Action Minutes of the March 19, 2019 Emeryville City Council/MESA Special Closed Session. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.5. [ID-2019-113](#) Action Minutes of the March 19, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.6. [ID-2019-144](#) Letter Of Support For The Emeryville Transportation Management Association's (ETMA) Application For A Conditional Use Permit For A Shuttle Yard Under The MacArthur Maze. (Charles S. Bryant / Diana Keena)  
**Attachments:** [Staff Report](#)  
[Draft Letter](#)
- 10.7. [ID-2019-114](#) Resolution Of The City Council Of The City Of Emeryville To Accept Funding From The Bay Area Air Quality Management District (BAAQMD) Commercial Lawn And Garden Exchange Program To Replace Gasoline-Burning Landscaping Tools With Equivalent Electric Tools At No Cost To The City And Appropriate Said Funding To Grant Fund 254. (Andrew Clough / Izabela Cirloganu)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Grant Agreement](#)  
[APPROVED Resolution No. 19-31](#)

- 10.8. [ID-2019-121](#) Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 13, "Dockless Shared Mobility Systems," to Title 4 Of The Emeryville Municipal Code To Establish Regulations And New Permits To Operate Dockless Shared Mobility Systems In The Public Right Of Way. (Nancy Humphrey / Andrew Clough)

**Attachments:** [Staff Report](#)  
[Proposed Draft Ordinance](#)  
[Late Correspondence - Bird, Lime, Lyft, and Spin](#)  
[APPROVED Ordinance No. 19-005](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2019-097](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Rudy's Can't Fail Cafe For Calendar Year 2019. (Chief Tejada / Oliver Collins)

**Attachments:** [Staff Report](#)  
[Rudy's Can't Fail Café Application](#)  
[Calls For Service](#)  
[Draft Resolution](#)  
[Exhibit A: Conditions of Approval](#)  
[APPROVED Resolution No. 19-32](#)

## 12. ACTION ITEMS

- 12.1. [ID-2019-106](#) Resolution Of The City Council Of The City Of Emeryville Appointing \_\_\_\_\_ And \_\_\_\_\_ As Residents To Serve On The Commission On Aging For Terms Commencing Immediately And Ending June 30, 2021; And Amending The FY2018-19 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Commission on Aging Roster](#)  
[Application: David Adams](#)  
[Application: Charles Jackson](#)  
[Application: Flayanna Rogers](#)  
[APPROVED Resolution No. 19-33](#)

- 12.2. [ID-2019-115](#) Presentation of Fiscal Years 2019-20 and 2020-21 General Fund Baseline Budget and Five-Year Preliminary Forecast. (Susan Hsieh)

Resolution Of The City Council Of The City Of Emeryville Amending The Budget For Fiscal Year 2018-19. (Susan Hsieh)

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

[Draft Resolution](#)

[Exhibit A - Fiscal Year 2018-19 General Fund Proposed Budget Adjustments](#)

[Exhibit B - Fiscal Year 2018-19 Other Funds Proposed Budget Adjustments](#)

[APPROVED Resolution No. 19-34](#)

- 12.3. [ID-2019-119](#) City Council 2019-2020 Goals and Priority Projects. (Christine Daniel)

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

- 12.4. [ID-2019-120](#) Update on Assembly Bill 147 Use Taxes. (Susan Hsieh)

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

[Full Text: AB 147 Use Taxes](#)

### 13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2019-108](#) Planning Director's report on Planning Commission actions at the March 28, 2019 meeting:

- (a) Adeline Springs Extension Request. Consideration of a request for a one year extension of a Conditional Use Permit and Design Review permit that was approved by the Planning Commission on March 22, 2018 to demolish an existing 5,866 square foot building ("U.S. Spring") and construct a new, five story building that will accommodate 29 rental residential units and 4 to 6 live-work units on a 12,528 square foot parcel located at 3637 Adeline Street.\*
- (b) Planning Regulations Amendment to Allow Research and Development in the Mixed Use with Residential Zone. Consideration of a proposed Planning Regulations amendment to allow the Research and Development use type in the MUR Mixed Use with Residential zone with a conditional use permit. The application pertains to the Jelly Bean Square property at 6400 Hollis Street, but would apply citywide.\*\*

\* 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.

\*\* To be scheduled for consideration by the City Council at a future meeting.

The packet for the March 28, 2019 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

**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**[ID-2019-143](#)

**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.

April 16, 2019 City Council Meeting

- Public Hearing: Updated Development Impact Fees for Fiscal Year 2019-2020
- Public Hearing: Fee Schedule for Dockless Shared Mobility
- ETMA Appointments
- Community Grant Selection

May 7, 2019 City Council Meeting

- Public Hearing: Ordinance 1st Reading SW PUD Amendment, Horton Street Trees
- CIP Budget Discussion
- Labor Standards Annual Report/Business Survey

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 APRIL 16, 2019, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608