



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

Tuesday, May 7, 2019

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-2019-186](#) Warrants. (Susan Hsieh)**

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

- 10.2.** [ID-2019-172](#) Action Minutes of the April 16, 2019 Emeryville City Council Closed Session Special Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.3.** [ID-2019-174](#) Action Minutes of the April 16, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.4.** [ID-2019-179](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Fifth Amendment To The Professional Services Agreement For Audit Services With Lance, Soll & Lunghard, LLP, Increasing The Services Agreement Amount By \$114,140 To An Amount Not To Exceed \$1,106,593 For The Fiscal Year 2018-2019 Audit. (Susan Hsieh)
Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Fifth Amendment to the Professional Services Agreement](#)
 [APPROVED Resolution No. 19-44](#)
- 10.5.** [ID-2019-183](#) Resolution Of The City Council Of The City Of Emeryville Designating Authorized Signers (Or Their Successors) On City Bank Accounts. (Susan Hsieh)
Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 19-45](#)
- 10.6.** [ID-2019-149](#) Resolution of The City Council of The City of Emeryville Authorizing The City Manager To Execute the First Amendment to the Animal Control Services Agreement With the City of Piedmont to Reinstate the Agreement For The Provision Of Animal Control Services For An Amount Not To Exceed \$102,033.13 Per Year For Fiscal Year 2018-19 and To Extend Animal Control Services For Fiscal Year 2019-20 In An Amount Not To Exceed \$106,594.13. (Jennifer Tejada / Oliver Collins)
Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Animal Control Services Agreement FY18/20](#)
 [APPROVED Resolution No. 19-46](#)

- 10.7.** [ID-2019-185](#) Resolution Of The City Council Of The City Of Emeryville Appropriating \$126,933.14 From The General Capital Fund (Fund 475) To The Fiscal Year 2018-2019 Budget For The Safe Routes To Schools - 43rd, 45th, And 47th Streets Project (CIP #PB-04, Project Number 12254009) And Reimbursing \$3,625.00 To The Measure B Streets And Roads Fund (Fund 240) And \$123,308.14 To The Grant Fund (Fund 254). (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 19-47](#)

- 10.8.** [ID-2019-182](#) Consideration Of Transportation Committee Recommendation For Approval Of Approval Of Curb Color Change Request on 53rd Street. (Andrew Clough / Daraja Wagner)

Attachments: [Staff Report](#)
 [Exhibit A - ECCL Green Zone](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2019-166](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations To Allow The Research and Development Use Type In The Mixed Use With Residential Zone (CEQA Status: General Plan EIR Certified by City Council on October 13, 2009). (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)
 [Attachment 1 - Applicant Request Letter](#)
 [Draft Ordinance](#)

12. ACTION ITEMS

- 12.1.** [ID-2019-171](#) Consideration Of Transportation Committee Recommendation For Request For Approval Of Red Zone Across From 4045 Horton Street. (Andrew Clough / Daraja Wagner)

Attachments: [Staff Report](#)
 [Exhibit A - Red Curb Request on Horton Street](#)

- 12.2.** [ID-2019-189](#) Discussion Regarding The City's Five-Year Capital Improvement Program For FY 2019-2024. (Susan Hsieh / Andrew Clough / Charles S. Bryant / Chad Smalley)

Attachments: [Staff Report](#)
 [Draft Capital Improvement Program](#)

- 12.3. [ID-2019-168](#) Business Conditions Survey Results. (Charles S. Bryant / Chadrick Smalley / April Shabazz)

Attachments: [Staff Report](#)

[Attachment 1 - Inventory of Local Minimum Wage Ordinances](#)

[Attachment 2 - Business Conditions Survey Report](#)

[Late Correspondence - Rudy's Can't Fail Cafe](#)

[Late Correspondence - George Almeida](#)

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2019-165](#) Planning Director's report on Planning Commission actions at the April 25, 2019 meeting:

- (a) Reconsideration of Marketplace Redevelopment Project, "Parcel B". Reconsideration of a new Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) and rescinding of Final Development Plan FDP15-001 that was approved by the Planning Commission on June 23, 2016. The previously approved FDP included 26,000 square feet of retail space and 300 parking spaces. The proposed FDP includes 14,000 square feet of retail space, 150,000 square feet of office/lab space, and 565 parking spaces. (Project previously approved by Planning Commission on January 24, 2019, appealed to City Council on February 8, 2019, and remanded to Planning Commission by City Council on March 19, 2019.)*
- (b) Duplex Conversion. Consideration of a Conditional Use Permit and Design Review application to modify an existing single unit building at 1291 55th Street into two units.*
- (c) Capital Improvement Program. Review of the proposed Five-Year Capital Improvement Program for Fiscal Years 2019-20 through 2023-24, for consistency with the Emeryville General Plan pursuant to California Government Code Section 65403(c).**

* 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.

** CIP scheduled for City Council discussion on May 7, 2019.

The packet for the April 25, 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-2019-180](#)

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.

May 21, 2019 City Council Meeting

- Special Council Meeting: FY 2019/20 & 2020/21 Proposed Budget Presentation
- Legislative Update

June 4, 2019 City Council Meeting

- Study Session: High-Rise Regulations on Unit Mix
- Public Hearing: Master Fee Schedule Annual Adoption
- Public Hearing: Ordinance 1st Reading SW PUD Amendment, Horton Street Trees
- FY 2019/20 & 2020/21 Budget Adoption
- Climate Action Plan Update

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 MAY 21, 2019, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608