



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

--AMENDED--

Tuesday, July 9, 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-2019-322](#) Warrants. (Susan Hsieh)**

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

- 10.2. [ID-2019-327](#) Action Minutes of the June 18, 2019 Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Special Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.3. [ID-2019-329](#) Action Minutes of the June 18, 2019 Emeryville City Council Special Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.4. [ID-2019-326](#) Action Minutes of the June 18, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.5. [ID-2019-319](#) Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To A Memorandum Of Understanding Between the Management Of Emeryville Services Authority And The Emeryville Association Of Confidential, Administrative, Managerial And Professional (CAMP) Employees With A Term Effective July 1, 2019 Through June 30, 2022. (Lisa Lopez)
(In Conjunction with Management of Emeryville Services Authority Regular Meeting Agenda Item 7.1)
Attachments: [Staff Report](#)
[Draft Resolution \(City Council\)](#)
[Memorandum of Understanding between MESA and CAMP](#)
[APPROVED Resolution No. 19-89](#)
- 10.6. [ID-2019-320](#) Resolution Of The City Council Of The City Of Emeryville Approving A Memorandum Of Understanding Between The Emeryville City Council And The Emeryville Police Officers' Association With A Term Effective July 1, 2019 Through June 30, 2022
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Memorandum of Understanding between the City and EPOA](#)
[APPROVED Resolution No. 19-90](#)

- 10.7.** [ID-2019-288](#) Resolution Of The City Council Of The City Of Emeryville Adopting The 2019 Housing Affordability Table Pursuant To The Affordable Housing Program (Article 4 Of Chapter 5 Of The Planning Regulations). (Charles S. Bryant / Chadrick Smalley)
- Attachments:** [Staff Report](#)
 [Attachment 1 - HCD Letter](#)
 [Draft Resolution](#)
 [Exhibit A - 2019 Housing Affordability Table](#)
 [APPROVED Resolution No. 19-91](#)
- 10.8.** [ID-2019-346](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With The Labor Compliance Managers To Provide Assistance With Enforcement And Administration Of City Labor Standards For An Amount Not To Exceed \$317,305 Per Year For Fiscal Years 2019-20, 2020-21, And 2021-22, For A Total Contract Amount Not To Exceed \$951,915. (Charles S. Bryant / Chadrick Smalley / April Shabazz)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [Exhibit A - Contract](#)
 [APPROVED Resolution No. 19-92](#)
- 10.9.** [ID-2019-304](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The First Amendment To The '8 To Go' Paratransit Shuttle Service Agreement With The Emeryville Transportation Management Association In The Amount Of \$204,300. (Pedro Jimenez / Brad Helfenberger)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [Contract Amendment](#)
 [Original Agreement](#)
- 10.10.** [ID-2019-306](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract #CSPP-9008 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2019-2020 In The Amount of \$179,627 And Appropriate Said Funds When Received To Account 230-53600. (Pedro Jimenez)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [Contract # CSPP-9008](#)
 [APPROVED Resolution No. 19-93](#)

- 10.11.** [ID-2019-307](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager Enter Into a Sub Use Agreement With the East Bay German International School (EBGIS) For Real Property Located At 1070 41st, Street, Formally Known As The Anna Yates School, For Temporary Use by The Emeryville Child Development Center (ECDC) For A Period of Four Months In the amount not to Exceed Twenty Thousand Dollars (\$20,000); And to Sign All Relevant and Necessary Documents pertaining to the Sub Use Agreement. (Pedro Jimenez)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Sub Use Agreement](#)

[APPROVED Resolution No. 19-94](#)

- 10.12.** [ID-2019-310](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With West Coast Code Consultants, Inc., In An Amount Not To Exceed \$900,000 For Public Works Construction Inspection Services Required For Various Capital Improvement Projects, C3 Plan Check And Inspection Services And Encroachment Permit Inspections For Fiscal Years 2019/20 and 2020/21. (Andrew Clough / Daraja Wagner)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Contract](#)

[Exhibit A](#)

[Exhibit B](#)

[APPROVED Resolution No. 19-95](#)

- 10.13.** [ID-2019-313](#) 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 Coastland Civil Engineering, Inc. Extending The Contract To September 30, 2020 With An Additional \$50,000 For A Total Contract Amount Not To Exceed \$295,548 For City Engineering Services, Capital Projects Delivery Support, And Construction Management Services. (Andrew Clough / Daraja Wagner)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[PSA Amendment 1](#)

[Coastland Amendment 1 Exhibit A-1](#)

[APPROVED Resolution No. 19-96](#)

- 10.14.** [ID-2019-250](#) Resolution Of The City Council Of The City of Emeryville Re-Allocating In Fiscal Year 2019/2020 An Amount Of \$151,000 From Fund #471 (CIP No. 15475023) And \$160,000 From Fund #475 (CIP No. 15475023) To CIP No. 19254005; And Authorizing The City Manager To Enter Into A Contract With Ghilotti Bros., Inc. In An Amount Not To Exceed \$542,000 For The Construction Of ATP Greenway Crossing Improvements At 65th Street, 66th Street, And 67th Street, Project No. EPW-18106, CIP No. 19254005. (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A – Ghilotti Bros., Inc. Construction Contract](#)

[Exhibit B – Project Overview Map](#)

[APPROVED Resolution No. 19-97](#)

- 10.15.** [ID-2019-309](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Maintenance Contract With Rubicon Enterprises Inc., dba Rubicon Landscape In An Amount Not To Exceed \$226,225 For City-Wide Landscape Maintenance For Fiscal Year 2019/20. (Andrew Clough / Daraja Wagner)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Rubicon Landscape Maintenance Contract, FY 2019/20](#)

[Contract Exhibit A](#)

[Contract Exhibit B - Contract Insurance Requirements](#)

[Contract Exhibit C - Other Requirements](#)

[APPROVED Resolution No. 19-98](#)

- 10.16.** [ID-2019-267](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Grant Recipient Contract With Emeryville Citizens Assistance Program In The Amount Of \$74,000 To Support Food And Clothing Distribution To Persons Experiencing Homelessness And Those Near-Homelessness For Fiscal Year 2019-20. (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Attachments: [Staff Report](#)

[Attachment 1 - ECAP Final Report FY18-19](#)

[Attachment 2 - ECAP Grant Application FY19-20](#)

[Draft Resolution](#)

[Exhibit A - Grant Recipient Contract](#)

[APPROVED Resolution No. 19-99](#)

- 10.17. [ID-2019-317](#) An Ordinance Of The City Council Of The City Of Emeryville Amending Sections 8-26.01 and Sections 8-26.03 Of The Emeryville Municipal Code To Include Certain Demolition Waste Containing Polychlorinated Biphenyls (PCBs); CEQA Determination: Exempt Pursuant to CEQA Guideline Sections 15061(b)(3) And 15307. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Ordinance](#)
[APPROVED Ordinance No. 19-008](#)

11. PUBLIC HEARINGS

- 11.1. [ID-2019-290](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations To Modify The Tower Separation Requirements In Article 2 Of Chapter 4 Of Title 9 Of The Emeryville Municipal Code (CEQA Status: General Plan EIR Certified By City Council On October 13, 2009). (Charles S. Bryant)

Attachments: [Staff Report](#)
[Draft Ordinance](#)

12. ACTION ITEMS

- 12.1. [ID-2019-272](#) Presentation by PG&E Concerning the Community Wildfire Safety and Public Safety Power Shut Off Programs. (Christine Daniel)

Attachments: [Staff Report](#)
[PG&E Power Point June 6, 2019](#)
[Letter from San Jose City Manager to PG&E dated May 31, 2019](#)
[Late Correspondence - Chris Barlow \(Wareham Development\)](#)

- 12.2. [ID-2019-291](#) Resolution Of The City Council Of The City Of Emeryville Approving The 40th And San Pablo Bus Hub Project Conceptual Design Memorandum (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15301(c) and 15061(b)(3)). (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)
[Attachment 1 - Summary of Comments](#)
[Draft Resolution](#)
[Exhibit A - Conceptual Design Memorandum](#)
[APPROVED Resolution No. 19-100](#)

- 12.3.** [ID-2019-252](#) Resolution Of The City Council Of The City Of Emeryville Approving and Adopting the City of Emeryville Green Infrastructure Plan; CEQA Determination: Exempt Pursuant to CEQA Guidelines 15307 and 15308. (Andrew Clough / Oliver Abbitt)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Green Infrastructure Plan](#)
 [Resolution 17-67](#)
 [APPROVED Resolution No. 19-101](#)

- 12.4.** [ID-2019-348](#) Resolution Of The City Council Of The City Of Emeryville Accepting Certification Of The Results Of A Full Check Of Signatures On A Referendum Petition As Performed By The Alameda County Registrar Of Voters Using Official Voter Registration Records. (Sheri Hartz)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Registrar of Voters Certificate to Petition](#)
 [Late Correspondence - Joyce Jacobson](#)
 [Late Correspondence - Judith Timmel](#)
 [APPROVED Resolution No. 19-102](#)

12.4.1 [ID-2019-349](#)

An Ordinance Of The City Council Of The City Of Emeryville Repealing Ordinance No. 19-007 Regarding Amendments To Chapter 37 Of Title 5 Of The City Of Emeryville Municipal Code, "Minimum Wage, Paid Sick Leave, And Other Employment Standards"; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Sections 15324 And 15061(b)(3). (Sheri Hartz)

Attachments: [Draft Ordinance](#)

12.4.2 [ID-2019-350](#)

Resolution Of The City Council Of The City Of Emeryville Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Vote On A Referendum Submitted Against Ordinance No. 19-007, An Amendment To Chapter 37 Of Title 5 Of The Emeryville Municipal Code, "Minimum Wage, Paid Sick Leave, and Other Employment Standards". (Sheri Hartz)

Attachments: [Draft Resolution](#)

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2019-298](#) Planning Director's report on Planning Commission actions at the June 27, 2019 meeting:

Note: The June 27, 2019 Planning Commission meeting was cancelled. The next meeting will be on July 25, 2019. No appealable items are scheduled for the July 25, 2019 meeting.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS[ID-2019-330](#)

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.

July 23, 2019 City Council Meeting

- Public Hearing: Noise Waiver Extension for Estrella Vista Project, 3706 San Pablo Ave.
- Public Hearing: PBID Preliminary Assessment
- Bank Service Agreements
- Climate Action Plan Update
- Designation of Voting Delegates, League of CA Cities Annual Conference

PLEASE NOTE: The City Council will not meet in regular session during the month of August.

September 3, 2019 City Council Meeting

- Special Meeting: Community Committee Body Appointments
- Study Session: High-Rise Regulations on Unit Mix
- Public Hearing: Sherwin Williams PUD Amendment for Horton St. Trees Ordinance
- Public Hearing: General Plan Amendment to incorporate Local Hazard Mitigation Plan

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[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 JULY 23, 2019, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608