



## 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, September 3, 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.

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**PLEASE NOTE: Council Member Bauters will participate in the meeting via teleconference from the site listed below. The meeting agenda will be posted at the teleconference site and the site is accessible to the public. Anyone wishing to address the Council from the teleconference site will be provided with an opportunity to do so.**

**Location:**

**Harrah's North Kansas City  
Harrah's Executive Board Room  
One Riverboat Drive  
Kansas City, MO 64116  
(415) 999-7932**

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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-2019-420](#) Warrants. (Susan Hsieh)

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

- 10.2. [ID-2019-409](#) Action Minutes of the July 23, 2019 Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency / Management of Emeryville Services Authority Special Closed Session. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

- 10.3. [ID-2019-410](#) Action Minutes of the July 23, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

- 10.4. [ID-2019-402](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Second Amendment To The Exclusive Right To Negotiate Agreement With Orton Development Inc. (ERN) For The Purpose Of Negotiating A Lease Disposition And Development Agreement For The Redevelopment And Operation Of 4060 Hollis Street As An Art Center To: (1) Extend The ERN Term To December 16, 2019, (2) Authorize An Additional Sixty Day Extension If Needed, And (3) Authorize The Execution Of Additional Minor Amendments As Necessary To Effectuate The Purpose of The ERN. (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Second Amendment to ERN](#)  
[First Amendment to ERN](#)  
[Exclusive Right to Negotiate Agreement](#)  
[APPROVED Resolution No. 19-126](#)

- 10.5.** [ID-2019-397](#) Resolution Of The City Council Of The City Of Emeryville To Accept A Grant In The Amount Of \$4,000 From The Target Corporation, To The Emeryville Police Department To Be Used For Community Outreach Events And Partnership Events With Emeryville Target And Said Grant Be Deposited Into The Grant Fund 254 And Appropriated To Spend In The Same Fund. (Jennifer Tejada / Oliver Collins)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Grant Application](#)  
[APPROVED Resolution No. 19-127](#)
- 10.6.** [ID-2019-418](#) Resolution Of The City Council Authorizing The City Manager To Accept A Grant Award In The Amount Of \$45,000 From The California Office Of Traffic Safety, Selective Traffic Enforcement Program (STEP) For Funds Related To Improving Traffic, Bicycle, And Pedestrian Safety Within The City And That The Grant Funds Be Deposited Into Grant Fund 254 And Appropriated To Spend In The Same Fund. (Jennifer Tejada / Oliver Collins)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Grant Agreement](#)  
[APPROVED Resolution No. 19-128](#)
- 10.7.** [ID-2019-398](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 1 To The Professional Services Agreement With EKI Water And Environment Inc. (EKI) For Soil Offhaul Services At APN 049-1041-026-16 Related To The Development of the Sherwin Williams Project; And Appropriating \$68,314 from the General Capital Fund (Fund 475). (Andrew Clough / Michael Roberts)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[PSA Amendment 1](#)  
[Original PSA with EKI](#)  
[APPROVED Resolution No. 19-129](#)

- 10.8.**     [ID-2019-400](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Agreement With OTG EnviroEngineering Solutions, Inc., Increasing The Total Compensation Amount By \$99,268, For A Total Amount Not To Exceed \$206,284; And to Extend the Term to June 30, 2021, For Environmental Work Required By The Alameda County Department Of Environmental Health(Andrew Clough / Nancy Humphrey)

**Attachments:**   [Staff Report](#)

[Draft Resolution](#)

[OTG First Amendment](#)

[Exhibit A-1 Proposal](#)

[OTG Original Agreement](#)

[APPROVED Resolution No. 19-130](#)

- 10.9.**     [ID-2019-399](#)     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:**   [Staff Report](#)

[Attachment 1 - Staff Report from July 23, 2019.pdf](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 19-010](#)

## **11. PUBLIC HEARINGS**

- 11.1.**     [ID-2019-403](#)     Resolution Of The City Council Of The City Of Emeryville Adopting The 2019-2024 Local Hazard Mitigation Plan And Amending The Text On Page 6-13 Of The Safety Element Of The General Plan And The Text Of Action CSN-A-10, Implementation Actions For Conservation, Safety And Noise And Adding The Local Hazard Mitigation Plan As An Appendix To The Safety Element Of The General Plan (CEQA Determination: Exempt Per State CEQA Guidelines Sections 15308 And 15061(B)(3)). (Charles S. Bryant / Lisa Lopez / Lori Elephant)

**Attachments:**   [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - 2019-2024 Local Hazard Mitigation Plan](#)

[APPROVED Resolution No. 19-131](#)

## 12. ACTION ITEMS

## 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2019-401](#) Planning Director's report on Planning Commission actions at the August 22, 2019 meeting:

- (a) Marketplace Redevelopment Project, "Parcel C". Consideration of a modification to the conditions of approval of Final Development Plan FDP13-001, which was approved by the Planning Commission on May 28, 2015, to allow additional commercial uses. The existing permitted commercial use for the newly constructed 30,000 square foot building is a grocery store.\*
- (b) Temporary Emergency Family Shelter. Consideration of a Conditional Use Permit, Design Review, and Exception to Standards application for a proposed temporary emergency shelter for families at the former City Recreation Center located at 4300 San Pablo Avenue.\*
- (c) 58Fifty Shellmound Project. A third study session to review a Conditional Use Permit and Design Review proposal to demolish an existing 61,000 square foot three-story office building at 5850 Shellmound Way and replace it with an eight-story building accommodating 244 rental residential units with about 10,000 square feet of ground floor commercial space.

\* 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 August 22, 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-2019-423](#) **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.

**September 17, 2019 City Council Meeting**

- Study Session: Eliminating Minimum Parking Requirements
- Public Hearing: 1st Reading - Sherwin Williams PUD Amendment for Horton St. Trees Ordinance
- Public Hearing: Noise Waiver for Temporary Emergency Family Shelter Construction on Saturday, September 21
- 4300 San Pablo Avenue Senior/Intergenerational Housing RFQ Approval
- Discussion of Prohibiting Use of Facial Recognition Technology
- Consideration of Forming Ad Hoc to Study City Facility Naming Policy

**October 1, 2019 City Council Meeting**

- Study Session: High-Rise Regulations on Unit Mix (Part 2)
- Public Hearing: Noise Waiver for 3800 San Pablo Avenue (Intersection Project)
- Marketplace Parcel B Appeal Consideration

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 SEPTEMBER 17, 2019, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608