



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

Tuesday, December 3, 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).

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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-2019-596](#) Warrants. (Susan Hsieh)

 Attachments: [Staff Report](#)
 [Wire Transfers](#)
 [Check Register](#)
- 10.2.** [ID-2019-574](#) Action Minutes of the November 7, 2019 Emeryville City Council Special Joint Meeting with the Emeryville Unified School District Board. (Sheri Hartz)

 Attachments: [Action Minutes](#)
- 10.3.** [ID-2019-575](#) Action Minutes of the November 19, 2019 Emeryville City Council Special Closed Session. (Sheri Hartz)

 Attachments: [Action Minutes](#)
- 10.4.** [ID-2019-576](#) Action Minutes of the November 19, 2019 Emeryville City Council Special Study Session. (Sheri Hartz)

 Attachments: [Action Minutes](#)
- 10.5.** [ID-2019-577](#) Action Minutes of the November 19, 2019 Emeryville City Council Special Meeting. (Sheri Hartz)

 Attachments: [Action Minutes](#)
- 10.6.** [ID-2019-578](#) Action Minutes of the November 19, 2019 Emeryville City Council Regular Meeting Session. (Sheri Hartz)

 Attachments: [Action Minutes](#)
- 10.7.** [ID-2019-516](#) Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2018-2019 (Charles S. Bryant)

 Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Exhibit A - Impact Fee Annual Report FY 18-19](#)
 [APPROVED Resolution No. 19-156](#)
- 10.8.** [ID-2019-571](#) South Bayfront Pedestrian-Bicycle Bridge and Horton Landing Park. (Christine Daniel, Acting Director of Public Works)

 Attachments: [Staff Report](#)

- 10.8.1** [ID-2019-598](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Second Amendment To Temporary Construction Access Agreement With BRE-BMR 53RD, LP For South Bayfront Pedestrian Bicycle Bridge Project
- Attachments:** [Draft Resolution](#)
 [Second Amendment: Construction Access Agreement](#)
 [APPROVED Resolution No. 19-157](#)
- 10.8.2** [ID-2019-599](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Second Amendment To Grant of Easement Agreement With BRE-BMR 53RD, LP For South Bayfront Pedestrian Bicycle Bridge Project
- Attachments:** [Draft Resolution](#)
 [Second Amendment: Grant of Easement Agreement](#)
 [Easement Map](#)
 [APPROVED Resolution No. 19-158](#)
- 10.9.** [ID-2019-572](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To Contract #CSPP-9008 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2019-2020 In An Amount Not To Exceed \$184,604; To Execute Any Future Amendments To Contract #CSPP-9008; And Appropriate Said Funds When Received To Accounts 230-53600 and 230-52300. (Pedro Jimenez)
- Attachments:** [Staff Report](#)
 [CSPP-9008 Current Executed Contract](#)
 [Draft Resolution](#)
 [CSPP-9008 Proposed Amendment 1](#)
 [APPROVED Resolution No. 19-159](#)
- 10.10.** [ID-2019-544](#) Adoption Of 2019 California Building Standards Code And Local Amendments (Charles S. Bryant / Victor Gonzales)
- Attachments:** [Staff Report](#)
 [Attachment 1 - Staff Report from November 19, 2019](#)

- 10.10.1** [ID-2019-545](#) An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9 And 10 Of Title 8 Of The Emeryville Municipal Code, Entitled "Building Regulations", And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code (CEQA Determination: Exempt Pursuant To CEQA Guidelines 15061(b)(3) And 15378(b)(2))

Attachments: [Draft Ordinance - Building Code](#)

[APPROVED Ordinance No. 19-012](#)

- 10.10.2** [ID-2019-546](#) An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapter 5 Of Title 4 Of The Emeryville Municipal Code, Entitled "Fire Code" And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code (CEQA Determination: Exempt Pursuant To CEQA Guidelines 15061(b)(3) And 15378(b)(2))

Attachments: [Draft Ordinance - Fire Code](#)

[APPROVED Ordinance No. 19-013](#)

11. PUBLIC HEARINGS

12. ACTION ITEMS

- 12.1.** [ID-2019-548](#) Economic Development Strategy Annual Implementation Report (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Attachment 1 - Annual Implementation Report 2019](#)

[Attachment 2 - Economic Development Strategy](#)

- 12.2.** [ID-2019-581](#) City Council Consideration of Placing a Measure Requesting Voter Approval Of A Special Sales And Use Tax On The March 3, 2020 Ballot. (Christine Daniel)

Attachments: [Staff Report](#)

[Late Correspondence - Alameda Labor Council AFL-CIO](#)

- 12.2.1** [ID-2019-587](#) Resolution Of The City Council Of The City Of Emeryville Calling A Special Municipal Election On March 3, 2020; Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Approve A Quarter-Cent Special Transactions And Use Tax; Requesting That the Alameda County Board Of Supervisors Permit Consolidation Of The Emeryville Special Municipal Election With The Statewide Direct Primary Election To Be Held On The Same Date; Requesting That The County Registrar Perform Certain Election Services In Connection With Said Consolidated Election; Authorizing The City To Reimburse The County Registrar Of Voters For Election Services Performed; Directing The City Attorney To Prepare An Impartial Analysis; And Authorizing The Filing Of Direct Argument For The Measure And Rebuttal Argument (CEQA Determination: Exempt Pursuant To CEQA Guidelines 15378(b)(4) And 15061(b)(3)). (Sheri Hartz)

Attachments: [Draft Resolution](#)

[APPROVED Resolution No. 19-160](#)

- 12.2.2** [ID-2019-588](#) An Ordinance Adding Article 3.5, "Transactions and Use Tax," Imposing A Transactions And Use Tax To Be Administered By The California Department Of Tax And Fee Administration, To Chapter 3 of Title 3 of the Emeryville Municipal Code (Sheri Hartz)

Attachments: [Draft Ordinance](#)

- 12.3.** [ID-2019-595](#) Resolution Of The City Council Of The City Of Emeryville Adopting The City Council Regular Meeting Calendar For February 2020 Through January 2021. (Sheri Hartz / Lorraine Leong)
(In Conjunction With Successor Agency Regular Meeting Agenda Item 7.1)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[2020 City Council Regular Meeting Calendar](#)

[APPROVED Resolution No. 19-161](#)

- 12.4.** [ID-2019-590](#) Resolution Of The City Council Of The City Of Emeryville Appointing City Council Members To City Council Committees For Calendar Year 2020; And Amending The FY2019-20 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)
- Attachments:** [Staff Report](#)
 [2019 City Council Committees Rosters](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 19-162](#)
- 12.5.** [ID-2019-591](#) Resolution Of The City Council Of The City Of Emeryville Appointing City Council Members To Serve As Council Member Liaisons To The City's Community Advisory Committees For Calendar Year 2020; And Amending The FY2019-20 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 19-163](#)
- 12.6.** [ID-2019-580](#) Resolution Of The City Council Of The City Of Emeryville Appointing City Council Representatives To Various County, Regional And Statewide Boards, Commissions And Committees For Calendar Year 2020; Appointing _____ To The Alameda County Mosquito Abatement District For A Term Commencing January 1, 2020, And Ending December 31, _____; Publicly Notice FPPC Form Number 806 As Required By FPPC Regulation 18705.5; And Amending The 2020 City Roster Of County, Regional And Statewide Bodies Accordingly. (Sheri Hartz / Lorraine Leong)
- Attachments:** [Staff Report](#)
 [2019 City Roster of County, Regional and Statewide Bodies](#)
 [2019 FPPC Form 806](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 19-164](#)

- 12.7. [ID-2019-600](#) Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For Council Member Succession In The Event Of A Declared Emergency For Calendar Year 2020. (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)

[2019 Standby Officers Roster](#)

[Government Code Sections 8635-8644](#)

[Draft Resolution](#)

[2020 Standby Officers Roster \(Exhibit A\)](#)

[APPROVED Resolution No. 19-165](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2019-607](#) **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.

December 17, 2019 City Council Meeting

- Presentation: Legislative Report/Review of Housing Bills
- Public Hearing: Cabaret Licenses
- Comprehensive Annual Financial Report
- Stop Waste Disposable Foodware Model Ordinance Discussion

January 21, 2020 City Council Meeting

- Study Session: 47th Street Homes Project
- Public Hearing: Marketplace Parcel B Appeal
- Parking Contracts - Installation and Enforcement
- Parking Meter/Car Share Ordinance
- Art Center Lease Disposition and Development Agreement

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