



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

AMENDED

Tuesday, December 17, 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**
 - 4.1. [ID-2019-631](#) Proclamation: International Day to End Violence Against Sex Workers
 - 4.2. [ID-2019-632](#) Proclamation: Recognizing St. James Infirmary for its Work on Behalf of Sex Workers
- 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-2019-627](#) Warrants. (Susan Hsieh)
Attachments: [Staff Report](#)
[Wire Transfers](#)
[Check Register](#)
- 10.2. [ID-2019-624](#) Action Minutes of the December 3, 2019 Emeryville City Council Special Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.3. [ID-2019-626](#) Action Minutes of the December 3, 2019 Emeryville City Council Regular Meeting Session. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.4. [ID-2019-623](#) 1st Quarter Fiscal Year 2019-20 Financial Update. (Susan Hsieh)
Attachments: [Staff Report](#)
- 10.5. [ID-2019-579](#) Resolution Of The Emeryville City Council Authorizing The City Manager To Purchase Two Marked Ford Explorer Police Enforcement Vehicles, In A Total Amount Not To Exceed \$77,706.90, From Folsom Lake Ford. (Chief Tejada / Mike Allen)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Patrol Vehicle Price Quote](#)
[APPROVED Resolution No. 19-166](#)
- 10.6. [ID-2019-609](#) Resolution Of The City Council Of The City Of Emeryville Authorizing An Application For, And Receipt Of, Alameda County Area Agency On Aging Supportive Services Program For Senior Center Activities; Authorizing The City Manager To Execute Funding Agreements And Amendments Through June 30, 2022 With The Alameda County Area Agency On Aging; And To Appropriate The Funds To Account Number 5460-51100. (Pedro Jimenez / Brad Helfenberger)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[SS-2018 Request for Proposal](#)
[SS-2018 Acceptance Letter](#)
[APPROVED Resolution No. 19-167](#)

- 10.7.** [ID-2019-611](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Lumec Streetlight LED Retrofit Project, EPW 106-16 (CIP No. 15475015), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Christine Daniel / Ryan O'Connell)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 19-168](#)

- 10.8.** [ID-2019-606](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment With DC Electric Group Inc. In The Amount Of \$160,936.42 For On-Call Maintenance For City Traffic Signals, Streetlights, And Safety Lighting Repair For A Total Contract Amount Not To Exceed \$205,936.42. (Christine Daniel / Ryan O'Connell).

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [DC Electric Contract \(Initial\)](#)
 [DC Electric Contract Frst Amendment](#)
 [Exhibit A-1 - First Amendment Added Work](#)
 [APPROVED Resolution No. 19-169](#)

- 10.9.** [ID-2019-602](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Two And A Half (2 ½) Year Maintenance Contract In The Amount Of \$238,031.64 With Contract Sweeping Services For The Street Sweeping Of City Owned Streets, EPW 19-115 For Fiscal Years 2019/20, 2020/21, & 2021/22 In The Prorated Amount Of \$56,916.66 For FY 2019/20, \$88,999.99 For FY 2020/21, & \$92,114.99 2021/22 And Authorizing The City Manager To Execute Up To Two (2) Additional One Year Extensions In The Amount Of 95,339.00, For FY 2022/23 & \$98,675.88 For FY 2023/24 Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Years For A Total Contract Amount Not To Exceed \$432,046.52. (Christine Daniel / Daraja Wagner)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Contract Street Sweeping Services Contract](#)
 [Exhibit A - Street Sweeping Map](#)
 [APPROVED Resolution No. 19-170](#)

- 10.10.** [ID-2019-604](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Maintenance Contract With Integrity Construction Maintenance, Inc., In An Amount Of \$200,000 For A Total Contract Amount Not To Exceed \$400,000 For Facilities Maintenance Of City Owned Buildings Through Fiscal Year 2019-2020. (Christine Daniel / Daraja Wagner)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Integrity Contract for Facilities Maintenance](#)
[Integrity Contract First Amendment](#)
[APPROVED Resolution No. 19-171](#)

- 10.11.** [ID-2019-589](#) Resolution Of The City Council Of The City Of Emeryville To Approve The Updated Sewer System Management Plan (SSMP). (Christine Daniel / Keely Nelson)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Sewer System Management Plan - Item Available Online](#)
[APPROVED Resolution No. 19-172](#)

- 10.12.** [ID-2019-621](#) Resolution Of The City Council Of The City of Emeryville Re-Allocating In Fiscal Year 2019/2020 An Amount Of \$92,883 From Fund #650 (CIP No. 16650016); To CIP No. 16475013; And Authorizing The City Manager To Enter Into A Contract With Best Contracting Services, Inc. In An Amount Not To Exceed \$770,000 For The Construction Of The Child Development Center Rehabilitation Project No. EPW-19114, CIP No. 16475013. (Christine Daniel / Joseph Aguilera)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Best Contracting Services, Inc. Construction Contract](#)
[APPROVED Resolution No. 19-173](#)

12/11/19 Signed contract uploaded.

11. PUBLIC HEARINGS

- 11.1. [ID-2019-612](#) Resolution of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Trader Vic's For Calendar Year 2020. (Chief Tejada)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Conditions of Approval](#)
[Application](#)
[APPROVED Resolution No. 19-174](#)

- 11.2. [ID-2019-613](#) Resolution of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Bank Club Cafe For Calendar Year 2020. (Chief Tejada)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Conditions of Approval](#)
[Application](#)
[APPROVED Resolution No. 19-175](#)

- 11.3. [ID-2019-614](#) Resolution of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Rob Ben's For Calendar Year 2020. (Chief Tejada)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Conditions of Approval](#)
[Application](#)
[APPROVED Resolution No. 19-176](#)

12. ACTION ITEMS

- 12.1. [ID-2019-622](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Annual Audit Report, Which Includes The Audited Basic Financial Statements And Auditors' Opinion, For The City Of Emeryville For The Fiscal Year Ending June 30, 2019. (Susan Hsieh)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Attachment 2 - Comprehensive Annual Financial Report](#)

[Attachment 3 - Appropriations Limit Calculation](#)

[Attachment 4 - Child Development Program Compliance Audit](#)

[Attachment 5 - Measure B Compliance Audit](#)

[Attachment 6 - Measure BB Compliance Audit](#)

[Attachment 7 - Vehicle License Fee Compliance Audit](#)

[Attachment 8 - Housing Compliance Audit](#)

[Attachment 9 - Audit Communication Letter](#)

[Attachment 10 - Report on Internal Control](#)

[APPROVED Resolution No. 19-177](#)

- 12.2. [ID-2019-619](#) Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (ETMA) 2020 Budget And Setting Compensation To The ETMA To Operate The Emery Go-Round Shuttle Service During The 2020 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Four Million, Thirty-Nine Thousand, Two Hundred And Twenty-Two Dollars (\$4,039,222); And Authorizing Payment From The Emeryville Property Based Business Improvement District Fund 805. (Susan Hsieh)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[ETMA 2020 Budget](#)

[APPROVED Resolution No. 19-178](#)

- 12.3.** [ID-2019-615](#) Resolution Of The City Council Of The City Of Emeryville Granting An Annual Card Room License To The Oaks Card Club For The Calendar Year 2020. (Chief Tejada)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Calls for Service 2019 Report](#)
 [Application](#)
 [APPROVED Resolution No. 19-179](#)

- 12.4.** [ID-2019-620](#) Preferences Regarding A Possible Reusable Food Ware Ordinance. (Christine Daniel / Nancy Humphrey)

Attachments: [Staff Report](#)
 [Emeryville Ordinance No. 07-004](#)
 [StopWaste Memo](#)
 [StopWaste Topic Brief](#)
 [SB 1383 Summary Checklist](#)

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2019-608](#) Planning Director's report on Planning Commission actions at the December 12, 2019 meeting:

- (a) Marketplace Redevelopment Project, "Parcel B". Referral from the City Council for a report on an alternative proposal for a Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development. The proposal is an alternative to the design approved by the Planning Commission on May 14, 2019. The proposed alternative FDP includes 15,700 square feet of retail space, 150,000 square feet of office/lab space, and 500 parking spaces. The Commission will make a recommendation to the City Council.
- (b) Hilton Garden Inn Appeal. Consideration of an appeal of the Community Development Director's approval of a Minor Conditional Use Permit to convert existing storage and meeting rooms on the top floor of an existing hotel at 1800 Powell Street into 23 new guest rooms and to convert storage on the second floor into two new guest rooms. Pursuant to Planning Regulations Section 9-7.1404(b), the Planning Commission may either (1) affirm the decision of the Director and dismiss the appeal based on a determination that the facts ascertainable from the record do not warrant further hearing; (2) set a date for a public hearing on the appeal; or (3) remand the matter to the Director to cure a deficiency in the record or the proceedings.
- (c) BMR Emeryville Center of Innovation. Study Session to review a proposal for a Final Development Plan to construct two new multi-tenant research and development buildings and a supporting parking garage as part of implementation of the Emeryville Life Sciences Center Planned Unit Development/Preliminary Development Plan (PUD/PDP), also referred to as the "Chiron PUD/PDP", that was approved by the City Council on August 15, 1995.

The packet for the December 12, 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-2019-630](#) **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.

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

February 4, 2020 City Council Meeting

Items for this meeting have not been scheduled at the time of this publication, but will be added when the January 21, 2020 meeting agenda is published.

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 JANUARY 21, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608