



CITY OF EMERYVILLE
AGENDA
City Council

Emeryville City Hall
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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, October 1, 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-2019-473](#) Warrants. (Susan Hsieh)
Attachments: [Staff Report](#)
[Wire Transfers](#)
[Check Register](#)

- 10.2. [ID-2019-463](#) Action Minutes of the September 17, 2019 Emeryville City Council / Management of Emeryville Services Authority Special Closed Session. (Sheri Hartz / Thai Nam Pham)
Attachments: [Action Minutes](#)
- 10.3. [ID-2019-464](#) Action Minutes of the September 17, 2019 Emeryville City Council Special Study Session. (Sheri Hartz / Thai Nam Pham)
Attachments: [Action Minutes](#)
- 10.4. [ID-2019-466](#) Action Minutes of the September 17, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.5. [ID-2019-431](#) Resolution Of The City Council Of The City Of Emeryville Recognizing Importance Of Census 2020 And Encouraging All Residents To Get Counted. (Pedro Jimenez / Brad Helfenberger)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-138](#)
- 10.6. [ID-2019-469](#) 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 Noble Consultants, Inc., For An Amount Of \$32,620 For A Total Amount Not To Exceed \$122,655 For Additional Engineering Design And Regulatory Permitting Services For Point Emery Shoreline Protection Project, EPW 101-18 (CIP #16243031). (Christine Daniel / Michael Roberts)
Attachments: [Staff Report](#)
[Noble PSA](#)
[Draft Resolution](#)
[1st Amendment Contract](#)
[Exhibit A-R1](#)
[APPROVED Resolution No. 19-139](#)

- 10.7.** [ID-2019-470](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Contract With American Civil Constructors, Inc., In An Amount Not To Exceed \$249,545 For Construction Of The Powell Street Overhead Joint Seal Replacement And Deck Seal Project, Project No. EPW 106-17, CIP No. 1647503; CEQA Determination: Exempt Pursuant To 15301(c). (Christine Daniel / Michael Roberts)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[American Civil Contractors Contract](#)
[APPROVED Resolution No. 19-140](#)

- 10.8.** [ID-2019-455](#) Ordinance Of The City Council Of The City Of Emeryville Adopting An Amendment To The Sherwin Williams Planned Unit Development/ Preliminary Development Plan (PUD/PDP) To Allow The Removal Of Street Trees On The West Side Of Horton Street (CEQA Determination: Environmental Impact Report for Sherwin Williams Project PUD Certified By City Council on September 6, 2016). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Attachment 1 - Staff Report from September 17, 2019](#)
[Proposed Ordinance](#)
[Exhibit A - Conditions of Approval](#)
[Exhibit B - Amended Landscape Plan 9-17-19](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2019-456](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Cannon Constructors North, Inc. For Work On Weekends For A 12 Week Period Between October 1, 2019 And March 31, 2020 Between The Hours Of 8:00 A.M. And 5:00 P.M. For Work Related To Framing Of Corridors To Receive Fire Sprinklers At The Intersection Project Located At 3800 San Pablo Avenue (APN: 12-952-24 and 25; 49-952-4, 6, and 7) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Applicant Request Letter](#)

12. ACTION ITEMS

- 12.1. [ID-2019-457](#) Appeal By Wareham Development Of Resolution No. FDP18-001R, A Resolution Of The Planning Commission Of The City Of Emeryville Approving A Final Development Plan (FDP) For APN 49-1556-16 ("Parcel B") Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-02) For An Eight-Story Building With Approximately 15,800 Square Feet Of Rentable Retail Space, 150,000 Square Feet Of Rentable Office/Lab Space, And 560 Parking Spaces And Rescinding Resolution No. FDP15-001 Previously Adopted By The Planning Commission On June 23, 2016. (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Link to Administrative Record](#)

- 12.1.1. [ID-2019-458](#) A Resolution Of The City Council Of The City Of Emeryville Rejecting An Appeal By Wareham Development Of Resolution No. FDP18-001R, And Upholding Resolution No. FDP18-001R, A Resolution Of The Planning Commission Of The City Of Emeryville Approving A Final Development Plan (FDP) For APN 49-1556-16 ("Parcel B") Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-02) For An Eight-Story Building With Approximately 15,800 Square Feet Of Rentable Retail Space, 150,000 Square Feet Of Rentable Office/Lab Space, And 560 Parking Spaces And Rescinding Resolution No. FDP15-001 Previously Adopted By The Planning Commission On June 23, 2016; CEQA Determination: Environmental Impact Report For Marketplace Redevelopment Project PUD Certified By Resolution No. 08-09 Applies

Attachments: [Draft Resolution](#)

--OR--

- 12.1.2.** [ID-2019-459](#) A Resolution Of The City Council Of The City Of Emeryville Setting A Public Hearing To Consider An Appeal By Wareham Development And City Council Call For Review Of Resolution No. FDP18-001R, A Resolution of the Planning Commission Of The City Of Emeryville Approving a Final Development Plan (FDP) For APN 49-1556-16 ("Parcel B") Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-02) For An Eight-Story Building With Approximately 15,800 Square Feet Of Rentable Retail Space, 150,000 Square Feet Of Rentable Office/Lab Space, And 560 Parking Spaces And Rescinding Resolution No. FDP15-001 Previously Adopted By The Planning Commission On June 23, 2016

Attachments: [Draft Resolution](#)

[APPROVED Resolution No. 19-141](#)

--OR--

- 12.1.3.** [ID-2019-460](#) A Resolution Of The City Council Of The City Of Emeryville Remanding To The Planning Commission For Consideration The Appeal By Wareham Development Of Resolution No. FDP18-001R, A Resolution Of The Planning Commission Of The City Of Emeryville Approving A Final Development Plan (FDP) For APN 49-1556-16 ("Parcel B") Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-02) For An Eight-Story Building With Approximately 15,800 Square Feet Of Rentable Retail Space, 150,000 Square Feet Of Rentable Office/Lab Space, And 560 Parking Spaces And Rescinding Resolution No. FDP15-001 Previously Adopted By The Planning Commission On June 23, 2016

Attachments: [Draft Resolution](#)

- 12.2.** [ID-2019-472](#) Resolution Of The City Council Of The City Of Emeryville Amending The Membership Composition Of The Commission On Aging; And Amending The FY2019-20 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Proposed Roster](#)

[APPROVED Resolution No. 19-142](#)

- 12.3. [ID-2019-462](#) League Of California Cities Annual Conference Resolutions Packet.
(Sheri Hartz)
Attachments: [Staff Report](#)
[2019 Resolutions Packet](#)
[Guidelines for Process](#)
- 12.4. [ID-2019-475](#) Potential Revenue Measure For 2020
Attachments: [Staff Report](#)

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2019-461](#) Planning Director's report on Planning Commission actions at the September 26, 2019 meeting:

(a) Swearing in of New Commissioner Deepak Sohane

(b) Consideration of Planning Commission Meeting Schedule for 2020

(c) Bird-Safe Building Standards. Study session on the content, applicability, and form of new bird-safe building standards.

The packet for the September 26, 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-2019-468](#) **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.

October 15, 2019 City Council Meeting

- Study Session: Green Building "Reach Codes"
- Presentation: Introduction of New K-9 Officers
- Highest and Best Use of Curb Toolkit Approval
- Annual Art Show Purchase

November 5, 2019 City Council Meeting

- Study Session: Bird Friendly Design Standards
- Art Center Lease Disposition and Development Agreement
- Facade Grant Awards

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 OCTOBER 15, 2019, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608