



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 Courtney Welch
Vice Mayor David Mourra
Council Member John J. Bauters
Council Member Sukhdeep Kaur
Council Member Kalimah A. Priforce

--AMENDED--

Tuesday, July 2, 2024

7:16 PM

Council Chambers

**This meeting is being conducted in-person at
1333 Park Avenue, Emeryville, California**

Please note the following change to the City's public comment procedures: Unless a Councilmember is participating in the meeting remotely pursuant to AB 2449, remote public comment will not be accepted. Public comment may be provided in-person or via email, as set forth below. Members of the public desiring to provide comments as a part of the meeting are encouraged to either submit written comments by 3:00 p.m. prior to the meeting or to attend the meeting in person.

Public comment for Council agenda items can be submitted online via our written comment card at www.emeryville.org/citycouncil. Written comments can also be submitted by email to city_council@emeryville.org or to the City Clerk at city_clerk@emeryville.org. If you would like to support, oppose, or otherwise comment on an upcoming agenda item, please send in your comments prior to the meeting.

The link below allows public viewing of the meeting (no public comment via Zoom):

Please click the link below to join the webinar:

https://emeryville-org.zoom.us/j/89653165883?pwd=LHKI8VGuWZymExh_otXc7bc7kY0x7w.oIXK14roea8TdjfL
Passcode: 678840

Telephone: 669-900-6833

Webinar ID: 896 5316 5883

Passcode: 678840

A complete copy of the agenda packet is available for viewing at the Information Center at City Hall, located at 1333 Park Avenue, Emeryville, California, and on the city's website at www.emeryville.org/citycouncil. 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 as "late correspondence" and will be published on the agenda beneath the relevant agenda item. Copies will also be available at the Information Counter at City Hall during normal business hours. 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, Management of Emeryville Services Authority, and related meetings, according to the published ETV schedule of programs. Council meetings will also be available to view through live media streaming accessible from the City of Emeryville website at

www.emeryville.org/citycouncil.

You can request free copies of the Emeryville City Council, Successor Agency, Management of Emeryville Services Authority, and related agendas, in digital format by going to our website at www.emeryville.org/notifyme. 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 and/or text.

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.

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.

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 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.

Public Comment: Each speaker is limited to three minutes to present their comments to the City Council at each speaking opportunity. At the discretion of the Presiding Officer, time limits may be further adjusted.

The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council, Successor Agency, Management of Emeryville Services Authority, or related meeting. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Council meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

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-2024-266](#) Warrants. (Lawrence Chiu)
Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
 - 10.2. [ID-2024-262](#) Action Minutes Of The June 18, 2024, Special City Council Closed Session. (April Richardson)
Attachments: [Action Minutes](#)
 - 10.3. [ID-2024-263](#) Action Minutes of June 18, 2024, Emeryville City Council Special Meeting. (April Richardson)
Attachments: [Action Minutes](#)
 - 10.4. [ID-2024-264](#) Action Minutes Of The June 18, 2024, Regular City Council Meeting. (April Richardson)
Attachments: [Action Minutes](#)

- 10.5.** [ID-2024-259](#) Resolution Of The City Council Of The City Of Emeryville Calling For The General Municipal Election November 5, 2024; Requesting Approval Of Consolidation With The County Of Alameda; Requesting The County Registrar Of Voters Perform Certain Election Services In Connection With The November 5, 2024 Election; And Authorizing The City Of Emeryville To Reimburse The County Registrar Of Voters For Election Services Performed. (April Richardson)
Attachments: [Staff Report](#)
[Draft Resolution](#)
- 10.6.** [ID-2024-255](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept An In-Lieu Reimbursement From BMR-Center Of Innovation Holdco LP For Grinding And Paving Hollis Street Between Powell Street And 45th Street For The Not To Exceed Amount Of \$550,000 As Fulfillment Of That Portion Of Exhibit O - Mitigation Measures And Conditions Of Approvals For The BMR-Emery Yards Project (FDP 19-002) With Funds To Be Appropriated To Fund 473 Project Number 24221005. (Mohamed Alaoui / Michael Roberts)
Attachments: [Staff Report](#)
[Draft Resolution](#)
- 10.7.** [ID-2024-256](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Adding Two New Land Use Classifications To Section 9-2.339 (“Motor Vehicle Sales And Services”) In Article 3 Of Chapter 2 Of Title 9 Of The Emeryville Municipal Code; Adding A New Definition To Section 9-8.201 (“A” Terms) In Article 2 Of Chapter 8 Of Title 9; And Modifying Table 9-3.202 In Section 9-3.202 (Uses Permitted, Conditionally Permitted And Prohibited) In Article 2 Of Chapter 3 Of Title 9; Concerning Certain Auto-Related Uses And Indoor Public Storage Uses (CEQA Determination: Exempt Pursuant To Guidelines Section 15061(B)(3)). (Chadrick Smalley / Miroo Desai)
Attachments: [Staff Report](#)
[Attachment 1 - June 4 2024 Staff Report](#)
[Proposed Ordinance](#)
- 10.8.** [ID-2024-269](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending Public Safety Regulations In Title 4 Of The Emeryville Municipal Code Regarding Speed Limits (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Mohamed Alaoui)

Attachments: [Staff Report](#)
[June 18 Staff Report](#)
[Proposed Ordinance](#)
[Exhibit A](#)
[Exhibit B](#)

- 10.9.** [ID-2024-268](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Andrew Davidson DBA Second Sight Video & Multimedia For Fiscal Years 2024-2025 And 2025-2026, To Provide Broadcasting, Recording And Related Services For A Total Amount Of \$116,000.00. (April Richardson / Lorraine Leong)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Professional Services Contract](#)

- 10.10.** [ID-2024-260](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept And Expend A Grant On Behalf Of The Police Department From The CHP Cannabis Tax Fund Grant Program (CTFGP) In The Amount Of \$202,343.24 For Reducing Impaired Driving And Improving Traffic, Bicycle, And Pedestrian Safety Within The City. (Jeff Jennings / Oliver Collins)

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

- 10.11.** [ID-2024-270](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager Accept A Donation From IKEA To Provide In-Kind Items For The Beautification Of The Teen Center, Located at the Emeryville Center of Community Life (ECCL) In the Amount Of Six Thousand Nine Hundred and Two Dollars (\$6,092). (Rebecca Sermeno / Christen Gray)

Attachments: [Staff Report](#)
[Teen Center Items List](#)
[Teen Center Layout](#)
[Draft Resolution](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2024-275](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2025. (Lawrence Chiu / Andrea Arriaga)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Draft Master Fee Schedule \(Redline\)](#)
[Exhibit A - Fiscal Year 2025 Amended Master Fee Schedule \(Clean\)](#)

- 11.2.** [ID-2024-274](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2025 Property And Business Improvement District (PBID) Annual Assessment Levy For The Respective Parcels Within The Improvement District With A 3% Rate Increase On All Parcels, And Approving The Preliminary Budget Submitted By The Emeryville Transportation Management Association (ETMA) For Service Year 2025. (Lawrence Chiu)

Attachments: [Staff Report](#)
[ETMA 2025 Preliminary Budget](#)
[ETMA 2023 Annual Report](#)
[ETMA 2014-2024 Ridership Report](#)
[Fiscal Year 2025 Preliminary Assessment Levy 3% Increase](#)
[Draft Resolution](#)

12. ACTION ITEMS

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2024-258](#) Community Development Director's Report on Planning Commission Actions at the June 27, 2024 meeting:

(a) Update on Reach Codes - City's Environmental Services staff will provide an update on the status of Reach codes in Emeryville and in the state in general.*

(b) Temporary Women's Emergency Shelter (UP23-002) - Consideration of a modification to the Conditions of Approval of the Conditional Use Permit for the Temporary Emergency Women's Shelter located at 4300 San Pablo Avenue and approved by the Planning Commission on March 23, 2023. This modification relates to the Condition of Approval that establishes the approval duration extending it from the current expiration date of June 30, 2024 to December 31, 2024. CEQA Status: This project is exempt from environmental review under California State CEQA Guidelines Section 15301, which applies to minor alteration of existing structures involving negligible or no expansion of use, and the "common sense exemption" at State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment. General Plan Land Use Classification: Mixed Use with Residential, Major Transit Hub, and Neighborhood Retail Overlay; Zoning District: Mixed Use with Residential (MUR), Transit Hub Overlay (TH), Neighborhood Retail Overlay (RR) and Pedestrian Priority Zone (PP) (Applicant: Berkeley Food and Housing Project - Angela Upshaw) (Owner: City of Emeryville) (APNs: 49-1079-14-1 and -17-1)

(c) Acquisition of Property Findings (1245 Powell Street) Consideration of findings required by Government Code §65402 in order for the City to acquire a 12,800 square foot parcel located at 1245 Powell Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15061(b)(3), the "common sense exemption", because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Mixed Use with Residential (MUR) (APN: 49-1314-1-1)**

(d) Update to Accessory Dwelling Units Ordinance (ORD24-003) Consideration of a recommendation to the City Council to approve proposed amendments to Article 14 of the Planning Regulations (Title 9 of the Emeryville Municipal Code) to make State-mandated changes related to Accessory Dwelling Units and Junior Accessory Dwelling Units. The proposed amendment is exempt from the

requirements of the California Environmental Quality Act (CEQA) under Public Resources Code §21080.17, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code §65852.2 pertaining to Accessory Dwelling Units

*Information item only

**This item is tentatively scheduled for City Council action on September 3, 2024

***This item is tentatively scheduled for City Council action on July 16, 2024

The agenda packet for the June 27, 2024 Planning Commission meeting can be viewed online at

<https://www.ci.emeryville.ca.us/Archive.aspx?ADID=5626>

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, JULY 16, 2024, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, LOCATED AT 1333 PARK AVENUE, EMERYVILLE, CA 94608.

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2024-265](#) **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.

Please continue to check the final, published agenda for the latest information.

July 16, 2024

- ADU Ordinance Amendments
- 40th St. Contingency Funding & Permission for Grant Applications
- Quiet Zone UPRR Overages

September 3, 2024

- 2024 Conflict of Interest Code Amendment

When published, the packets for City Council meetings can be viewed online at www.emeryville.org/citycouncil.