



**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 John J. Bauters  
Vice Mayor Ally Medina  
Council Member Scott Donahue  
Council Member Dianne Martinez  
Council Member Courtney Welch

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**Tuesday, November 15, 2022**

**7:16 PM**

**Teleconference**

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A complete copy of the agenda packet is available on the city's website at [www.emeryville.org/citycouncil](http://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. 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. Council meetings will also be available to view through live media streaming accessible from the City of Emeryville website at [www.emeryville.org/citycouncil](http://www.emeryville.org/citycouncil).

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 [www.emeryville.org/notifyme](http://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.

**INFORMATION FOR REGULAR MEETING DURING A DECLARED STATE OF  
EMERGENCY**

**(to continue until further notice):**

Pursuant to California Assembly Bill 361, a local legislative body is authorized to hold public meetings remotely and to make those meetings accessible to all members of the public seeking to observe and to address the local legislative body by remote means only via a technology solution. As such, the City will provide various options for the public to participate in the conduct of the meeting, as indicated in detail below on this cover sheet.

The City will further adhere to the means otherwise prescribed by the Brown Act, which allows members of the public the right to observe and offer public comment during the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, the City will use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act, and

other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

The City offers many ways for you to watch and participate in City matters during this time where you may not attend in person. Our City Council meetings are streamed live and on Emeryville TV. Additionally, public comment for Council agenda items can be submitted online via our online speaker card when an agenda is posted. Written comments can also be submitted by email to [city\\_council@emeryville.org](mailto:city_council@emeryville.org) or the City Clerk at [city\\_clerk@emeryville.org](mailto: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 since there is no option to attend in person.

*If you prefer to participate in the meeting using Zoom, please use the information provided here:*

*Please click the link below to join the webinar:*

<https://emeryville-org.zoom.us/j/89150602822?pwd=K3JJcytsVFcxWUU5cEVlQlc1cnF1QT09>

*Passcode: 567693*

*Or iPhone one-tap: +16694449171,,89150602822#,,, \*567693#*

*Or Telephone: 669-900-6833*

*Webinar ID: 891 5060 2822*

*Passcode: 567693*

*International Phone Numbers: <https://emeryville-org.zoom.us/j/89150602822?pwd=K3JJcytsVFcxWUU5cEVlQlc1cnF1QT09>*

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.

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.

The speaker's time is limited to 3 minutes and can only be extended upon approval of the Presiding Officer. If you are submitting your comments using the online comment card, please be aware that they will be read aloud into the record and will still be limited to the 3 minute time limit.

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-2022-601](#) Warrants. (Bill Zenoni / Peggy Xu)

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

- 10.2. [ID-2022-594](#) Action Minutes Of The November 1, 2022, Special City Council Closed Session. (April Richardson)

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

- 10.3. [ID-2022-595](#) Action Minutes Of The November 1, 2022, Regular City Council Meeting. (April Richardson)

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

- 10.4. [ID-2022-592](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With KNN Public Finance, LLC, For A Total Amount Not To Exceed \$56,000 For Municipal Advisory Services To Assist With Implementation Of The \$50 Million Measure C General Obligation (GO) Bond Program. (Bill Zenoni / Chadrick Smalley)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A: Professional Services Contract](#)  
[APPROVED Resolution No. 22-149](#)

- 10.5.**     [ID-2022-587](#)     Report To The City Council Of The City Of Emeryville For Recommendations Made By The Commission on Aging To Accept This Age Friendly Communities Action Plan For Consideration As A Source Document For Community Improvements.     (Rebecca Sermeno / Kim Burrowes)

**Attachments:** [Staff Report](#)  
[Emeryville Action Plan](#)

- 10.6.**     [ID-2022-591](#)     Resolution Of The City Council Of The City Of Emeryville Authoring The City Manager To Enter Into A First Amendment To The Professional Services Contract With Kidango, Inc. To Reduce The Services Provided Due To A Significant Increase In The Cost Of Food For Daily Meal Service As A Result Of A Significant Increase In The Rate Of Inflation Since The Contract Was Executed     (Rebecca Sermeno)

**Attachments:** [Staff Report](#)  
[Kidango, Inc. Professional Services Contract](#)  
[Draft Resolution](#)  
[Exhibit A: Professional Services Contract - 1st Amendment](#)  
[APPROVED Resolution No. 22-150](#)

- 10.7.**     [ID-2022-581](#)     Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2021-2022. (Charles S. Bryant)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Impact Fee Annual Report FY 21-22](#)  
[APPROVED Resolution No. 22-151](#)

- 10.8.**     [ID-2022-550](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Contract With Alta Planning + Design, Inc. To Prepare The Active Transportation Plan In An Amount Of \$60,000 To Cover Expanded Services For A Total Amount Not To Exceed \$425,000 And Appropriating \$60,000 From The General Plan Maintenance Fund Balance (Fund 225) To Account 80050, Professional Services, In The Fund 225 General Plan Maintenance Budget. (Charles S. Bryant / Navarre Oaks)

**Attachments:** [Staff Report](#)  
[Professional Services Contract](#)  
[Draft Resolution](#)  
[Exhibit A - First Amendment to Professional Services Contract](#)  
[APPROVED Resolution No. 22-152](#)

- 10.9.**     [ID-2022-552](#)     Adoption Of 2022 California Building Standards Code And Local Amendments: (Charles S. Bryant / Victor Gonzales)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Staff Report from November 1, 2022](#)

- 10.9.1.**   [ID-2022-553](#)     Second Reading And Adoption Of 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 Sections 15061(b)(3) And 15378(b)(2) and (5))

**Attachments:** [Proposed Ordinance](#)  
[APPROVED Ordinance No. 22-013](#)

- 10.9.2.**   [ID-2022-554](#)     Second Reading And Adoption Of 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 Sections 15061(b)(3) And 15378(b)(2) and (5))

**Attachments:** [Proposed Ordinance](#)  
[APPROVED Ordinance No. 22-014](#)

## **11. ACTION ITEMS**

- 11.1.**     [ID-2022-583](#)     Resolution Of The City Council Of The City Of Emeryville Approving EAH Housing As The First Choice Developer And Related California/East Bay Asian Local Development Corporation As The Second Choice Developer For The Redevelopment Of 5890, 5900 And 6150 Christie Avenue, Authorizing The City Manager To Execute An Exclusive Right To Negotiate Agreement With The Selected Developer, And Accepting And Appropriating The \$100,000 Non-Refundable Deposit To The Fiscal Year 2022-2023 Budget For Professional Services For Capital Improvement Project H-02, Christie Housing Site. (Charles S. Bryant / Chadrick Smalley / Valerie F. Bernardo)

**Attachments:** [Staff Report](#)  
[Attachments 1-5 - Christie Sites Developer Selection](#)  
[Draft Resolution](#)  
[Exhibit A to Resolution - Form of Christie Sites ERN](#)  
[APPROVED Resolution No. 22-153](#)

- 11.2.**     [ID-2022-582](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract In The Amount Of \$2,198,806.84 With Diablo Engineering Group For Professional Design Consultant Services For The 40th Street Transit-Only Lanes And Multimodal Enhancements Project, (CIP Project T-13). (Mohamed Alaoui / Ryan O'Connell)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Diablo Professional Services Contract](#)  
[APPROVED Resolution No. 22-154](#)

- 11.3.**     [ID-2022-586](#)     Resolution Of The City Council Of The City Of Emeryville Making Required Findings To Allow The Continuation Of Remotely Held Meetings Of The City Council, Pursuant To AB 361. (April Richardson)

**(In Conjunction With MESA Agenda Item 6.1 And Successor Agency Agenda Item 7.1)**

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 22-155](#)

## **12. DEPARTMENT HEAD REPORTS**

## **13. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

## **14. ADJOURNMENT**

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, DECEMBER 6, 2022, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.

**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2022-588](#) **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.

**Additional Note during COVID-19 Public Health Emergency:** City Council meeting have been held remotely since March 17, 2020, and remain so in accordance with the Brown Act exemptions provided for by AB 361. City Council and other public meetings will continue to be held remotely until further notice, and certain non-essential items may be postponed or cancelled. **Please continue to check the final, published agenda for the latest information.**

December 20, 2022

-2023 -24 ROPS Approval

-BMR Noise Waiver Request

When published, the packets for City Council meetings can be viewed online at [www.emeryville.org/citycouncil](http://www.emeryville.org/citycouncil).