



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 John J. Bauters
Vice Mayor Courtney Welch
Council Member Ally Medina
Council Member David Mourra
Council Member Kalimah A. Priforce

--AMENDED--

Tuesday, December 20, 2022

7:16 PM

Teleconference

A complete copy of the agenda packet is available 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. 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.

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. 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 or 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 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/83487466611?pwd=WFBMZWPVc1A5UGlNUExBQm9adTJPZz09>
Passcode: 680370

*Or iPhone one-tap: +16699006833,,83487466611#,,, *680370#*

Or Telephone: 669-900-6833

Webinar ID: 834 8746 6611

Passcode: 680370

International Phone Numbers: <https://emeryville-org.zoom.us/j/83487466611>

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-2022-663](#) Warrants. (Bill Zenoni)

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

- 10.2. [ID-2022-681](#) Action Minutes Of The December 12, 2022, Special City Council Meeting I. (April Richardson)

Attachments: [Action Minutes](#)

- 10.3. [ID-2022-682](#) Action Minutes Of The December 12, 2022, Special City Council Meeting II. (April Richardson)

Attachments: [Action Minutes](#)

- 10.4. [ID-2022-677](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Budget And Governance Committee; And Amending The FY2022-23 Local Roster Of Boards, Commissions And Committees Accordingly. (April Richardson / Lorraine Leong)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Budget and Governance Committee Roster](#)

- 10.5.** [ID-2022-661](#) Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (ETMA) 2023 Budget And Setting Compensation To The ETMA To Operate The Emery Go-Round Shuttle Service During The 2023 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed \$4,373,552; And Authorizing Payment From The Emeryville Property Based Business Improvement District (PBID) Fund 805; And Authorizing An Additional \$634,164 From The Emeryville Property Based Business Improvement District (PBID) Fund 805 To Cover The General Benefit Contribution. (Bill Zenoni / Monica Centeno)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [ETMA 2023 Budget](#)
- 10.6.** [ID-2022-660](#) Resolution Of The City Council Of The City Of Emeryville Approving Expenditure Of \$45,068 Of The ECCL Capital Reserve Funds For The Installation Of Security Gate Control Upgrades. (Rebecca Sermenon)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [Convergent & Emeryville School District Final](#)
 [Capital Reserve Exp and Rev and Balance](#)
- 10.7.** [ID-2022-634](#) Resolution Of The City Council Of The City Of Emeryville Determining That Public Convenience Or Necessity Would Be Served By The Issuance Of A License By The Department Of Alcoholic Beverage Control To Prizefighter Bottle Shop At 1320 67th Street, Emeryville, California. (Charles S. Bryant / Miroo Desai)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
- 10.8.** [ID-2022-639](#) 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 PlaceWorks, Inc. To Prepare The 2023-2031 Housing Element In An Amount Of \$14,000 To Cover Expanded Services For A Total Amount Not To Exceed \$185,837 And Appropriating \$14,000 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](#)
[PlaceWorks Professional Services Contract](#)
[Draft Resolution](#)
[Exhibit A - First Amendment to Professional Services Contract](#)

- 10.9.** [ID-2022-603](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Fifth Amendment To The Professional Services Agreement With Coastland Civil Engineering, Inc. For City Engineering & Inspection Services, Capital Projects Delivery Support, And Construction Management Services To Extend the Termination Date To September 30, 2023, And To Increase The Contract Amount By An Additional \$241,479 For A Total Contract Amount Not To Exceed \$1,159,627; Allocating \$164,725 (Fund 242) From CIP Project No. 17240005, \$11,742 (Fund 475) From CIP Project No. 18475009, And \$65,012 (Fund 101-4070) For Reimbursable Project Tasks. (Mohamed Alaoui)

Attachments: [Staff Report](#)
[Coastland Initial 6.6.2018](#)
[Coastland Amendment 1](#)
[Coastland Amendment 2](#)
[Coastland Amendment 3](#)
[Coastland Amendment 4](#)
[Draft Resolution](#)
[Professional Services Contract Amendment](#)

- 10.10.** [ID-2022-654](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Third Amendment To The Professional Services Contract With MNS Engineers, Inc., To Revise The Work Scope, And To Increase The Total Compensation Amount By \$130,000, For A Not To Exceed Amount Of \$2,839,236.00, For Construction Management Services For The South Bayfront Bridge/Horton Landing Park Project, EPW 17-112 (CIP # 16475006 And 17237003). (Mohamed Alaoui / Michael Roberts)

Attachments: [Staff Report](#)
[Professional Services Agreement](#)
[Professional Services Contract - 1st Amendment](#)
[Professional Services Contract - 2nd Amendment](#)
[Draft Resolution](#)
[PSC 3rd Amendment](#)

- 10.11.** [ID-2022-655](#) Resolution Of The City Council Of The City of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Contract With Brannon Corporation, Inc. To Increase The Total Compensation Amount By \$53,239 For A Total Not To Exceed Amount Of \$874,039; For The Point Emery Shoreline Protection Project, Project No. EPW-18101 (CIP No. 16475021)

Attachments: [Staff Report](#)

[Attachment 1 - Initial Contract Brannon Corp](#)

[Draft Resolution](#)

[Exhibit A - Construction 1st Amendment](#)

- 10.12.** [ID-2022-674](#) Removing Criminal Penalties From The Emeryville Municipal Code; CEQA Determination - Not A Project Under CEQA Guidelines 15378(B)(5): (John Kennedy / Christie Crowl)

Attachments: [Staff Report](#)

[Attachment 1 - December 12, 2022 Staff Report](#)

- 10.12.1** [ID-2022-675](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Sections 1-2.01 (D), (E) And (F) Of Chapter 2 Of Title 1 ("Penalty Provisions") For Violations Of The Emeryville Municipal Code

Attachments: [Draft Ordinance \(Penalty Provisions\)](#)

- 10.12.2** [ID-2022-676](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Repealing Chapter 6 Of Title 5 ("Criminal Records: Security"), Chapter 7 Of Title 5 ("Fortunetelling"), Chapter 12 Of Title 5 ("Minors"), And Chapter 15 Of Title 5 ("Patrol Services") In Their Entirety

Attachments: [Draft Ordinance \(Criminal Records\)](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2022-635](#) BioMed Realty Noise Waiver Request: (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Attachment 1 - Applicant Request Letter](#)

- 11.1.1.** [ID-2022-637](#) Resolution Of The City Council Of The City Of Emeryville Denying A Waiver From The Noise Ordinance To BioMed Realty For Early Morning Work On All Mondays Between January 9, 2023 and May 22, 2023 From 5:00 A.M. To 7:00 A.M. At 4555 Horton Street (Garage Building 14 of BioMed Project) (APN: 49-1544-1-4) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15270(a))

Attachments: [Draft Resolution](#)

- 11.1.2. [ID-2022-638](#) Resolution Of The City Council Of The City Of Emeryville Approving A Waiver From The Noise Ordinance To BioMed Realty For Early Morning Work On All Mondays Between January 9, 2023 and May 22, 2023 From 5:00 A.M. To 7:00 A.M. At 4555 Horton Street (Garage Building 14 Of BIOMED Project) And Designating Conditions Of Approval (APN: 49-1544-1-4) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

Attachments: [Draft Resolution](#)

12. ACTION ITEMS

- 12.1. [ID-2022-672](#) Consideration of Travel Authorization for Mayor Bauters, Vice Mayor Welch, and Council Members Mourra and Priforce. (April Richardson)

Attachments: [Staff Report](#)

[Attachment A - Council Travel Policy](#)

- 12.2. [ID-2022-608](#) Discussion On Timing For Return To In-Person City Council Meetings And Council Direction On Use Of Technology For Virtual Public Participation. (April Richardson)

Attachments: [Staff Report](#)

- 12.3. [ID-2022-658](#) Resolution Of The City Council Of The City Of Emeryville Adopting The City Council Regular Meeting Calendar For February 2023 Through January 2024. (April Richardson / Lorraine Leong)

(In Conjunction With Successor Agency Item 7.1)

Attachments: [Staff Report](#)

[Attachment A - 2023 City of Emeryville Observed Holidays](#)

[Draft Resolution \(City Council\)](#)

[Exhibit A - 2023 City Council/Successor Agency Regular Meeting Calendar](#)

- 12.4. [ID-2022-646](#) Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For City Council Member Succession In The Event Of A Declared Emergency For Calendar Year 2023. (April Richardson / Lorraine Leong)

Attachments: [Staff Report](#)

[Attachment A - 2022 City Council Standby Officers Roster](#)

[Attachment B - Government Code Sections 8635-8644](#)

[Draft Resolution](#)

[Exhibit A - 2023 Standby Officers Roster](#)

- 12.5. [ID-2022-652](#) 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 7.2)

Attachments: [Staff Report](#)

[Draft Resolution](#)

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2022-636](#) Planning Director's report on Planning Commission actions at the December 8, 2022 meeting:

- (a) Prizefighter Bottle Shop. Consideration of a Major Conditional Use Permit to allow retail sale of beer, wine and spirits ("Liquor Sales") in a 1,025 square foot space within an existing building located at 1320 67th Street.*
- (b) Housing Element of the General Plan. Consideration of a recommendation to the City Council to adopt the 2023-2031 Housing Element of the General Plan.
- (c) Active Transportation Plan. Study session on the Public Review Draft of the Active Transportation Plan.
- (d) Bay Center Life Science Project. A second study session to review a proposal to construct a new six story, 96-foot-tall building accommodating 210,000 square feet of Research and Development space and a new 505-space parking garage at 6475 Christie Avenue.

* Item subject to "call for review" (i.e. appeal) by motion of the City Council pursuant to Section 9-7.1406 of the Planning Regulations.

The packet for the December 8, 2022 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

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, JANUARY 17, 2023, 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-2022-659](#) **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.**

January 17, 2023
-2023 -24 ROPS Approval

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