



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, March 19, 2024

7:16 PM

Council Chambers / Teleconference

**This meeting is being conducted in a hybrid (in-person / Zoom) format at
1333 Park Avenue, Emeryville, California
To join the meeting via Zoom, use the information provided below.**

The City offers many ways for you to watch and participate in City matters. Public comment for Council agenda items can be submitted online via our online speaker card at www.emeryville.org/citycouncil when an agenda is posted. 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.

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/88023694842?pwd=PiNBroQCMZtRjTHUomB6VxUCYZdQTg.z8ffvz94Vd1m9pKO>
Passcode: 092322

*Or iPhone one-tap: +16694449171,,88023694842#,,, *092322#*

Or Telephone: 669-900-6833

Webinar ID: 880 2369 4842

Passcode: 092322

International Phone Numbers: <https://emeryville-org.zoom.us/j/88023694842>

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-2024-085](#) Warrants. (Lawrence Chiu)
Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
 - 10.2. [ID-2024-076](#) Action Minutes Of The March 5, 2024, Special City Council Closed Session. (April Richardson)
Attachments: [Action Minutes](#)
 - 10.3. [ID-2024-077](#) Action Minutes Of The March 5, 2024, City Of Emeryville Regular City Council Meeting. (April Richardson)
Attachments: [Action Minutes](#)
 - 10.4. [ID-2024-083](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Second Amendment To The Professional Services Contract With Maze & Associates For A Period From July 1, 2023 Through June 30, 2026 For An Amount Not To Exceed \$157,020 For Fiscal Year 2024 And \$162,037 For Fiscal Year 2025 With A Total Five-Year Contract Not To Exceed Amount of \$679,657 For Audit And Related Services. (Lawrence Chiu)

Attachments: [Staff Report](#)
[Maze & Associates Audit Contract, April 2021](#)
[Maze & Associates First Amendment, December 2021](#)
[Draft Resolution](#)
[Exhibit A - Maze & Associates, Second Amendment](#)
[APPROVED Resolution No. 24-29](#)

- 10.5. [ID-2024-094](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2023 General Plan Annual Progress Report And Authorizing Submittal To The Governor's Office Of Planning And Research And To The California Department Of Housing And Community Development. (Chadrick Smalley / Miroo Desai / Navarre Oaks / Valerie Bernardo)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment 2 - 2023 General Plan Annual Report](#)
[Attachment 3 - Appendix A- GPAR Implementation 2023](#)
[Attachment 4 - Appendix B- Housing Element Annual Report 2023](#)
[Attachment 5 - Appendix C- Housing Successor Annual Report FY22-23](#)
[APPROVED Resolution No. 24-30](#)

- 10.6. [ID-2024-093](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Contract With Zephyr Rail To Extend The Contract Expiration Date To June 30, 2025 And To Increase The Total Compensation Amount By \$249,472.59 For A Total Not To Exceed Amount Of \$1,146,859.84 For Bid Support, Pre-Construction Assistance, Construction Management, And Testing Services For The Quiet Zone Safety Engineering Measures Project, (CIP No. 19475008). (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)
[Professional Services Contract - Original](#)
[Draft Resolution](#)
[1st Amendment Contract - Zephyr Rail](#)
[APPROVED Resolution No. 24-31](#)

- 10.7. [ID-2024-095](#) Protecting Pollinators Ordinances: (John Kennedy / Christie Crowl)

Attachments: [Staff Report](#)
[Attachment A - February 20, 2024 Staff Report](#)

- 10.7.1.** [ID-2024-096](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 16, (“Prohibiting The Use Of Neonicotinoids And Rodenticides On City-Owned, Managed And Leased Property Except For The Use Of Rodenticides In City Parks”), To Title 6 Of The Emeryville Municipal Code; And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement; CEQA Determination: Exempt Pursuant To Guideline Section 15061(b) (3)
Attachments: [Draft Ordinance](#)
[APPROVED Ordinance No. 24-002](#)
- 10.7.2.** [ID-2024-097](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Adding Section 9-4.503(j) (“Prohibiting The Installation Of Turf In New Development”) To The Emeryville Municipal Code And Amending Sections 9-4.303(b) (5a), 9-4.503, And 9-8.212 Title 9 (“Open Space Standards: Public Park Requirements”, “Landscaping And Screening: General Provisions”, And “General Definitions: L Terms”) And Section 6-10.02 (“Nuisances: Weeds”) Of The Emeryville Municipal Code; CEQA Determination: Exempt Pursuant To Guidelines Section 15061(b)(3)
Attachments: [Draft Ordinance](#)
[APPROVED Ordinance No. 24-003](#)
- 10.8.** [ID-2024-108](#) Resolution Of The City Council Of The City Of Emeryville Approving The California Department Of Tax And Fee Administration (CDTFA) Notice Of Determination For The South Bayfront Pedestrian Bridge Project For An Amount Not To Exceed Ninety-Six Thousand Two Hundred Ninety-Seven And Thirty Cents (\$96,297.30) And Authorize The City Manager To Make Payment From Fund 237-1647500. (Paul Buddenhagen / Pedro Jimenez)
Attachments: [Staff Report](#)
[City of Emeryville Determination](#)
[CDTFA- Notice of Determination Waste Generation Fees Horton Landing- Site A](#)
[Draft Resolution](#)
[APPROVED Resolution No. 24-32](#)

- 10.9.** [ID-2024-110](#) Resolution Of The City Council Of The City Of Emeryville Approving And Adopting A Memorandum Of Understanding With The Confidential Administrative Managerial (CAMP) Professional Authorizing The City Manager To Execute The Memorandum Of Understanding And Approving An Amendment To The City's Classification And Compensation Plan In Conformance With California Code Of Regulations, Title 2, Section 570.5. (Lilybell Nakamura)

(In Conjunction With MESA Item 6.1)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[CAMP MOU w/ Tracked Changes](#)
[CAMP MOU Clean](#)
[APPROVED Resolution No. 24-33](#)

11. PUBLIC HEARINGS

12. ACTION ITEMS

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, APRIL 2, 2024, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, LOCATED AT 1333 PARK AVENUE, EMERYVILLE, CA 94608, AND VIA TELECONFERENCE.

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2024-078](#) **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.

April 2, 2024

- Special Meeting: Committee Reports and Committee Appointments
- Homebuyer Program Guidelines Revision

April 16, 2024

- Repeal City's Reach Ordinance
- Municipal Code Update - Speed Limits

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