Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
www.emeryville.org

CITY OF EMERYVILLE

AGENDA

City Council

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

--AMENDED--
Special Meeting I

Monday, December 12, 2022 **6:30 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 SPECIAL 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/84879370923?pwd=ZUJZa2luYU9IQTE3NGRyYjJOUjBpQT09
Passcode: 598238

*Or iPhone one-tap: +16699006833,,84879370923#,,,,*598238#*

Or Telephone: 669-900-6833
Webinar ID: 848 7937 0923
Passcode: 598238

International Phone Numbers: https://emeryville-org.zoom.us/u/kdd5lnRcAV

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 special meeting is as follows:

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF FINAL AGENDA

4. EX PARTE COMMUNICATIONS

5. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

6. CONSENT ITEMS

6.1. ID-2022-640 Warrants. (Bill Zenoni)

Attachments: Staff Report City
Wire Transfers City
Check Register City

6.2. ID-2022-628 Action Minutes Of The November 15, 2022, Special City Council Closed Session. (April Richardson)

Attachments: Action Minutes

6.3. ID-2022-632 Action Minutes Of The November 15, 2022, Regular City Council Meeting. (April Richardson)

Attachments: Action Minutes

6.4. ID-2022-609 Resolution Of The City Council Of The City Of Emeryville Granting An Annual Card Room License To The Oaks Card Club For The Calendar Year 2023. (Chief Jeff Jennings / Captain Oliver Collins)

Attachments: Staff Report
Draft Resolution
Exhibit A - Conditions of Approval
APPROVED Resolution No. 22-156

6.5. ID-2022-643 Resolution Of The City Council Of The City Of Emeryville Authorizing An Amendment To The Staffing Summary For The Fiscal Year 2022-2023 Operating Budget For The Addition Of A Community Preservation Officer Position And A Management Analyst Position. (Trish Raver)

Attachments: Staff Report
Draft Resolution
Exhibit A
APPROVED Resolution No. 22-157

6.6. ID-2022-598 Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Award Funds From Volkswagen Environmental Mitigation Trust To Purchase One 15 Passenger Max Capacity Wheelchair Accessible Electric Vehicle (EV) Bus, In An Amount Not To Exceed $173,118, From Green Power Motor Company And Transfer $13,368.00 From Fund 660-91200 To Fund 254 And Appropriate VW Funds Of $160,000.00 To Fund 254 When Received. (Rebecca Sermeno / Kim Burrowes)

Attachments: Staff Report
Draft Resolution
City of Emeryville (VW) Agreement
GreenPower Motor Company EV Star Side ADA Price Sheet - RFB 2
APPROVED Resolution No. 22-158

7. PUBLIC HEARINGS

7.1. ID-2022-633 At the Recommendation by the Planning Commission, A Resolution Of The City Council Of The City Of Emeryville Adopting The 2023-2031 Housing Element Of The City Of Emeryville General Plan And Approving It For Submittal To The California Department Of Housing And Community Development For Certification And Approving An Addendum To The General Plan EIR. (Charles S. Bryant / Navarre Oaks / Valerie Bernardo)

Attachments: Staff Report
Attachment 1 - Letter of Compliance from HCD, October 31, 2022
Attachment 2 - General Plan EIR Addendum
Draft Resolution
Exhibit A – 2023-2031 Housing Element (redline version)
Exhibit B – 2023-2031 Housing Element (clean version)
Late Correspondence - Brian Donahue
APPROVED Resolution No. 22-159

8. ACTION ITEMS

8.1. ID-2022-647 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 A - Chart of Municipal Code Violations Notes

8.1.1. ID-2022-648 Introduction And Waiver Of First Reading 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)

8.1.2. ID-2022-624 Introduction And Waiver Of First Reading 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)

8.2. ID-2022-642 Resolution Of The City Council Of The City Of Emeryville Amending The City Council Rules of Procedure To Discontinue The Role Of Council Member Liaison To Emeryville Community Advisory Committees/Commissions And Amending Department Head Attendance Requirements At City Council Meetings. (April Richardson)

Attachments: Staff Report

Draft Resolution

Exhibit A - Draft City Council Rules of Procedure

APPROVED Resolution No. 22-160

8.3. ID-2022-606 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. 22-161

9. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, DECEMBER 20, 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-2022-618

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
-ETMA Budget Approval
-Biomed Noise Waiver Request

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