



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, May 7, 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/81440776975?pwd=CdjPRhtvbKQ4GZ66wBx0MA52yjbnrw.6pOI97Wtun5bGb7U>
Passcode: 208188

Telephone: 669-900-6833

Webinar ID: 814 4077 6975

Passcode: 208188

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**
 - 4.1. [ID-2024-174](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming May 2024 As Water Safety And Drowning Prevention Month. (Mayor Welch)
 - 4.2. [ID-2024-175](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming May 2024 As Older Americans Month. (Mayor Welch)
 - 4.3. [ID-2024-177](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming May 2024 As Affordable Housing Month. (Mayor Welch)
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-2024-161](#) Warrants. (Lawrence Chiu)
Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
 - 10.2. [ID-2024-164](#) Action Minutes Of The April 16, 2024, Special City Council Closed Session. (April Richardson)
Attachments: [Action Minutes](#)
 - 10.3. [ID-2024-165](#) Action Minutes Of The April 16, 2024, Regular City Council Meeting. (April Richardson)
Attachments: [Action Minutes](#)

- 10.4.** [ID-2024-156](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three (3) Three Year Contract In The Amount Of \$420,000 With West Coast Arborist, Incorporated, For Tree Maintenance For FY2024-25 In The Amount Of \$140,000.00, FY2025-26 In The Amount Of \$140,000.00, And FY2026-27 In The Amount Of \$140,000.00 And Authorizing The City Manager To Execute Up To Two (2) Additional One Year Extensions In The Amount Of \$147,000.00 For FY2027-28 And \$154,350.00 For FY2028-29 Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Years For A Total Contract Amount Not To Exceed \$721,350. (Mohamed Alaoui / Daniel Gonzales)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[APPROVED Resolution No. 24-46](#)
- 10.5.** [ID-2024-145](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three (3) Year Maintenance Contract With Karla's Janitorial Services And Supply Company Inc. In The Amount Of \$815,927.12 For Janitorial Services At Various City Buildings And Parks For Fiscal Years 2024/25, 2025/26, 2026/27, And Authorizing The City Manager To Execute Up To Two (2) Additional One-year Extensions Not To Exceed \$291,247.91 The First Year, And \$305,810.31 The Second Year Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Year, For A Total Contract Value Not To Exceed \$1,412,985.34. (Mohamed Alaoui / Daniel Gonzales)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[APPROVED Resolution No. 24-47](#)
- 10.6.** [ID-2024-155](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Amending A Portion Of Section 10 Of Ordinance No. 22-013 Related To All-Electric Building Requirements For New Construction; CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15378 And 15061(b)(3). (John Kennedy / Christie Crowl / Mohamed Alaoui)

- Attachments:** [Staff Report](#)
[Attachment 1 - April 16, 2024 Staff Report](#)
[Draft Ordinance](#)
[APPROVED Ordinance No. 24-004](#)
- 10.7. [ID-2024-171](#)** Tobacco Retailer License And Smoking Pollution Control Ordinances: (John Kennedy / Chadrick Smalley)
Attachments: [Staff Report](#)
[April 16th Council Meeting Staff Report](#)
- 10.7.1. [ID-2024-172](#)** Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 42, ("Tobacco Retailer License Requirements"), To Title 5 Of The Emeryville Municipal Code; And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement: CEQA Determination: Exempt Pursuant To Guideline Sections 15378 And 15061(b)(3)
Attachments: [Amended Draft Ordinance - Tobacco Retailer License](#)
[APPROVED Ordinance No. 24-005](#)
- 10.7.2. [ID-2024-173](#)** Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending Sections 5-29.02 And 5-29.09 Of Chapter 29, ("Smoking Pollution Control"), Of Title 5 Of The Emeryville Municipal Code To Add And Revise The Definitions For Certain Terms And Repeal The Exception For Private Smokers' Lounges; And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement; CEQA Determination: Exempt Pursuant To Guideline Sections 15378 And 15061(b)(3)
Attachments: [Draft Ordinance - Smoking Pollution Control](#)
[APPROVED Ordinance No. 24-006](#)
- 10.8. [ID-2024-191](#)** Resolution Of The City Council Of The City of Emeryville Approving and Adopting An Amendment To The Unrepresented Police Chief Compensation and Benefits In Conformance With California Code of Regulations Title 2, Section 570.5. (Lilybell Nakamura)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - Compensation and Benefits Plan for Unrepresented final tracked changes](#)
[Exhibit A - Compensation and Benefits Plan for Unrepresented final clean](#)
[APPROVED Resolution No. 24-48](#)

- 10.9.** [ID-2024-192](#) Resolution Of The City Council Of The City Of Emeryville Appointing John Bauters As City Representative To Serve On The Alameda County Mosquito Abatement District Commencing Immediately And Ending December 31, 2028, Or Until Replaced; Amending The Publicly Noticed FPPC Form No. 806 As Required By FPPC Regulation 18702.5; And Amending The 2024 City Roster Of County, Regional And Statewide Bodies Accordingly. (April Richardson)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - AC Mosquito Abatement District Roster](#)

[APPROVED Resolution No. 24-49](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2024-176](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2024-2025. (Lawrence Chiu / Andrea Arriaga)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Draft Master Fee Schedule \(Redline\)](#)

[Exhibit A - Fiscal Year 2024-2025 Proposed Master Fee Schedule \(Clean\)](#)

[APPROVED Resolution No. 24-50](#)

12. ACTION ITEMS

- 12.1.** [ID-2024-160](#) Resolution Of The City Council Of The City Of Emeryville Approving Revised Program Guidelines For The Emeryville First Time Homebuyer Program. (Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A to Resolution - FTHB Program Guidelines](#)

[APPROVED Resolution No. 24-51](#)

- 12.2.** [ID-2024-157](#) Proposed 2024 State Legislative Agenda. (Paul Buddenhagen / April Richardson)

Attachments: [Staff Report](#)

[Attachment A - Bills To Consider](#)

[Attachment B - Legislative Matrix](#)

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2024-158](#) Community Development Director's Report on Planning Commission Actions at the April 25, 2024 meeting:

(a) UC Berkeley - Master of Urban Design, "Advanced Urban Design" Studio, Fall 2023 Student Presentations. Four students will present their Emeryville focused Design Studio projects focusing on "Scarcity and Abundance". In this studio class students are tasked with creating design solutions that not only meet the acute need for housing but also promote sustainable land use and enhance community well-being, steering Emeryville towards becoming a more resilient and vibrant urban area. The students strive to educate future urban planners and designers to navigate and harmonize the complexities of resource scarcity and the richness of opportunity through thoughtful, holistic approaches to design.*

(b) Total Wine & More Retail Store (UP24-001) - Consideration of a Major Conditional Use Permit to allow retail sale of beer, wine, and spirits ("Liquor Sales") in a 25,000-square-foot space within an existing building at 3938 Horton Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects, and the "common sense exemption" at 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 and Regional Retail Overlay; Zoning District: Mixed Use with Residential (MUR), Regional Retail Overlay (RR), and Pedestrian Priority (PP). (Applicant: Rawlings Consulting/Steve Rawlings)(Owner: HSE Associates, LLC c/o Benderson Development/Rex Burger) (APNs 0070617-020 and -022)**

[ID-2024-178](#) (c) Autocentric and Personal Storage Uses (ORD24-002) - Consideration of a recommendation to the City Council to approve proposed amendments to the Title 9 (Planning Regulations) of the Emeryville Municipal Code) to add new land use classifications to Section 9-2.339 (Motor Vehicle Sales And Services) in Article 3 of Chapter 2; and to make modifications to Table 9-3.202 in Section 9-3.202 (Uses Permitted, Conditionally Permitted and Prohibited) concerning Auto-Related Uses and Indoor Public Storage Uses. This project is exempt from environmental review under State CEQA Guidelines under the "common sense exemption" at 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.***

*Information Item only.

**The City Council's consideration of a "Finding of Public Convenience or Necessity" for an Alcoholic Beverage Control license related to this project is tentatively scheduled for May 21, 2024

***This item is tentatively scheduled for City Council review on May 21, 2024

The packet for the April 25, 2024 Planning Commission meeting can be viewed online at <https://www.ci.emeryville.ca.us/Archive.aspx?ADID=5606>

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, MAY 21, 2024, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, LOCATED AT 1333 PARK AVENUE, EMERYVILLE, CA 94608.

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2024-166](#) **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.

May 21, 2024

- 40th Street Public Art Approval
- Alameda County Fire Department Contract

June 4, 2024

- Decriminalization Ordinance (Group II Amendments)
- Auto-Centric Uses Ordinance

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