



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 Christian R. Patz  
Vice Mayor Dianne Martinez  
Council Member John J. Bauters  
Council Member Scott Donahue  
Council Member Ally Medina

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**Tuesday, July 7, 2020**

**7:16 PM**

**Teleconference**

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A complete copy of the agenda packet is available on the city's website at <http://emeryville.org/88/video> agendas reports minutes archive. 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 <http://www.emeryville.org>.

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 <http://www.emeryville.org> and clicking on "Notify Me". 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 SHELTER IN PLACE ORDER  
(to continue until further notice):**

Pursuant to California Governor Gavin Newsom's Executive Order N 29 20, 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 add link 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 add link. Written comments can also be submitted by email to [city\\_council@emeryville.org](mailto:city_council@emeryville.org) or the City Clerk, Sheri Hartz, at [shartz@emeryville.org](mailto:shartz@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://zoom.us/j/96220022404?pwd=d0VXWlQxaXdhclFtV2dHd0h4RTNodz09>

Password: 628089

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Or iPhone one-tap :

US: +16699006833,,96220022404#,,,0#,,628089# or +12532158782,,96220022404#,,,0#,,628089#

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Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: : +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 962 2002 2404

Password: 628089

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International numbers available: <https://zoom.us/u/acVak89RII>

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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.

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.

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 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-2020-289](#) Warrants. (Bill Zenoni)**

**Attachments:** [Staff Report](#)  
[Wire Transfers](#)  
[Check Register](#)
  - 10.2. [ID-2020-250](#) Action Minutes of the June 9, 2020 Emeryville City Council Special Meeting. (Sheri Hartz)**

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

- 10.3. [ID-2020-293](#) Action Minutes of the June 16, 2020 Special Closed Session (City Council). (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2020-292](#) Action Minutes of the June 16, 2020 Emeryville City Council Special Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.5. [ID-2020-255](#) Action Minutes of the June 16, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.6. [ID-2020-288](#) Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Agreement Of Employment Between The Management Of Emeryville Services Authority And Michael Guina As City Attorney/General Counsel For The Period Of August 1, 2020, Through July 31, 2022 (Michael Guina)

**In Conjunction with Management of Emeryville Services  
Authority Regular Meeting Item No. 6.11**

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Proposed Agreement 2020-2022](#)  
[APPROVED Resolution No. 20-69](#)

- 10.7. [ID-2020-277](#) Resolution Calling for the General Municipal Election November 3, 2020; Requesting Approval of Consolidation with the County of Alameda; Requesting the County Registrar of Voters Perform Certain Election Services in Connection with Said November 3, 2020 Election; and Authorizing the City of Emeryville to Reimburse the County Registrar of Voters for Election Services Performed. (Sheri Hartz)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 20-70](#)

- 10.8.** [ID-2020-285](#) Resolution Of The City Council Of The City Of Emeryville Adopting The 2020 Housing Affordability Table Pursuant To The Affordable Housing Program (Article 4 Of Chapter 5 Of The Planning Regulations). (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)
- Attachments:** [Staff Report](#)  
[Attachment 1 - HCD 2020 Income Limits](#)  
[Draft Resolution](#)  
[Exhibit A - 2020 Housing Affordability Table](#)  
[APPROVED Resolution No. 20-71](#)
- 10.9.** [ID-2020-286](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract #CSPP-0009 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2020-2021 In The Amount of \$184,604 And Any Future Amendments And Appropriate Said Funds When Received To Accounts 230-53600 and 230-52300. (Pedro Jimenez)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[California Department of Education State Contract No. CSPP-0009](#)  
[APPROVED Resolution No. 20-72](#)
- 10.10.** [ID-2020-284](#) Resolution Of The City Council Of The City Of Emeryville Authoring The City Manager To Enter Into A Professional Services Agreement With Uptons Inc. DbA: School Foodies In An Amount Not To Exceed \$115,000 Per Fiscal Year 2020-21 And 2021-22 To Provide Food Service At The Emeryville Child Development Center (Pedro Jimenez)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Professional Service Agreement](#)  
[RFP for Vended Meals](#)  
[School Foodies Proposal for Vended Meals](#)  
[APPROVED Resolution No. 20-73](#)

- 10.11.** [ID-2020-238](#) Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 Of The Emeryville Municipal Code Regarding Bird-Safe Building Standards (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Charles S. Bryant / Diana Keena)

**Attachments:** [Staff Report](#)

[Attachment 1 - Staff Report from June 2, 2020](#)

[Proposed Ordinance](#)

[APPROVED Ordinance No. 20-015](#)

- 10.12.** [ID-2020-280](#) An Ordinance Of The City Council Of The City Of Emeryville Temporarily Waiving Or Modifying Certain Provisions Of The Planning Regulations Related To Outdoor Seating For Restaurants And Bars During The COVID-19 Pandemic; CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3) (Charles S. Bryant)

**Attachments:** [Staff Report](#)

[Attachment 1 - Staff Report from June 16, 2020](#)

[Proposed Ordinance](#)

[APPROVED Ordinance No. 20-016](#)

## 11. PUBLIC HEARINGS

No Public Hearing Items Listed.

## 12. ACTION ITEMS

- 12.1. [ID-2020-300](#) Bicycle/Pedestrian Advisory Committee: (Sheri Hartz / Lorrayne Leong)

**Attachments:** [Staff Report](#)

- 12.1.1 [ID-2020-301](#) Resolution Of The City Council Of The City Of Emeryville Amending The Membership Composition Of The Bicycle/Pedestrian Advisory Committee To Two Business Representatives Or Community Members, And Seven Community Members, For A Total Of Nine Committee Members; And Amending The FY2020-21 Local Roster Of Boards Commissions And Committees Accordingly

**Attachments:** [Draft Resolution \(Composition Membership\)](#)

[Bicycle Pedestrian Advisory Committee Roster](#)

[APPROVED Resolution No. 20-74](#)

- 12.1.2 [ID-2020-302](#) Resolution Of The City Council Of The City Of Emeryville Appointing \_\_\_\_\_ As Business Representative Or Community Member To Serve On The Bicycle/Pedestrian Advisory Committee For A Term Commencing Immediately And Ending June 20, 2022; And Amending The FY2020-21 Local Roster Of Boards, Commissions And Committee Accordingly

**Attachments:** [Applicant: Thomas Modic](#)

[Draft Resolution \(Committee Appointment\)](#)

[Bicycle Pedestrian Advisory Committee Roster](#)

[APPROVED Resolutions No. 20-75](#)

- 12.2. [ID-2020-282](#) Consideration of Pedestrian and Bicycle Plan Scope of Work (Charles S. Bryant / Diana Keena)

**Attachments:** [Staff Report](#)

[Exhibit A - Draft Scope of Work](#)

[Late Correspondence from Staff](#)

[Late Correspondence from Staff - Draft Scope of Work with Planning Comr](#)

- 12.3.** [ID-2020-323](#) Resolution Of The City Council Of The City Of Emeryville Submitting To The Qualified Electors Of The City Of Emeryville At The General Municipal Election On November 3, 2020, A Proposed Ordinance To Impose A General Tax On Users Of Transportation Network Companies At A Rate Of 50 Cents For Private Trips And 25 Cents For Pooled Trips; Requesting The Alameda County Board Of Supervisors Permit Consolidation Of Said Ordinance With Statewide General Election To Be Held On The Same Date; Requesting That The County Registrar Perform Certain Election Services In Connection With Said Consolidated Election; And Authorizing The City To Reimburse The County Registrar Of Voters For Election Services Performed; Setting City Council Priority For Filing Written Argument; Directing The City Attorney To Prepare An Impartial Analysis; Authorizing The Filing Of Rebuttal Argument; CEQA Determination: Exempt Pursuant To CEQA Guidelines 15378(b)(4) And 15061(b)(3). [Michael Guina]

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: Proposed Tax Measure](#)

### 13. DEPARTMENT HEAD REPORTS

- 13.1.** [ID-2020-283](#) Planning Director's report on Planning Commission actions at the June 25, 2020 meeting:
- (a) [47th Street Homes](#). Consideration of a Conditional Use Permit and Design Review application to demolish four existing single-unit homes and replace them with three duplexes on one parcel at 1034-1042 47th Street.\*
  - (b) [Cannabis Regulations Amendments](#). Consideration of amendments to Article 2 of Chapter 3 and Article 22 of Chapter 5 of the Planning Regulations at Title 9 of the Emeryville Municipal Code to allow cannabis manufacturing businesses in additional zoning districts and to allow reduced distances between cannabis sales activities and parks, Greenways and other sensitive uses.\*
  - (c) [Pedestrian and Bicycle Plan Scope of Work](#). A study session on the scope of work for a request for proposals for a consulting team to prepare the next Pedestrian and Bicycle Plan.

\* City Council public hearing tentatively scheduled for September 1, 2020.

The packet for the June 25, 2020 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



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**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2020-299](#) **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 Hall has been closed since March 17, 2020, in accordance with the Governor's Executive Order. During this time, City Council and other public meetings have been conducted using teleconferencing. 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.**

July 21, 2020 City Council Meeting

- 4300 San Pablo Senior Housing Project - Exclusive Right to Negotiate

**PLEASE NOTE:** There will be no Regular City Council Meetings during the month of August

September 1, 2020 City Council Meeting

- Study Session: 3600 San Pablo Avenue Affordable Housing Project
- Public Hearing: Ordinance 1st Reading: Planning Regulations - Cannabis
- Public Hearing: Ordinance 1st Reading: Planning Regulations ADUs
- Public Hearing: 47th Street Homes Project
- Art Center Lease Disposition and Development Agreement

When published, the packets for City Council meetings can be viewed online at

[www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive](http://www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive).

THE NEXT REGULAR MEETING WILL BE ON JULY 21, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608