



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, September 1, 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/99122589291?pwd=bFZNcE1JUW1CREtyTG9JdUhwL2RvQT09>  
Passcode: 628089

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Or iPhone one-tap:

US: +16699006833,,99122589291#,,,,,0#,628089#

Or Telephone:

+1 669 900 6833

Webinar ID: 991 2258 9291

Passcode: 628089

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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 special 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-2020-404](#) Proclamation: Recognizing Joseph C. Melancon's Lifetime Of Service To The Emeryville Community

Attachments: [Proclamation](#)

**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-2020-400](#) Warrants. (Bill Zenoni)

Attachments: [Staff Report](#)

[Wire Transfers](#)

[Check Register](#)

- 10.2. [ID-2020-369](#) Action Minutes of the July 21, 2020 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.3. [ID-2020-366](#) Action Minutes of the July 21, 2020 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.4. [ID-2020-368](#) Action Minutes of the July 21, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.5. [ID-2020-406](#) Action Minutes of the August 19, 2020 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.6.** [ID-2020-396](#) Resolution Of The City Council Of The City Of Emeryville Approving And Accepting The Side Letter Of Agreement Between The Management Of Emeryville Services Authority And SEIU Regarding Calculation And Payment Of Dispatch Staff Overtime During COVID-19 Emergency Schedule Implementation (Trish Raver)  
**In Conjunction with Management of Emeryville Services Authority Special Meeting Agenda Item 6.1**  
**Attachments:** [Staff Report](#)  
[Draft Council Resolution](#)  
[MESA SEIU Side Letter Agreement](#)  
[APPROVED Resolution No. 20-88](#)
- 10.7.** [ID-2020-378](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2020 Amendment Of The City Of Emeryville Conflict Of Interest Code. (Sheri Hartz)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Appendix A](#)  
[Appendix B](#)  
[Appendix C](#)  
[Form 804.pdf](#)  
[APPROVED Resolution No. 20-89](#)
- 10.8.** [ID-2020-393](#) Resolution Of The City Council Of The City of Emeryville Authorizing The City Manager To Enter Into A Contract With Interstate Grading and Paving, Inc. In An Amount Of \$1,201,746.30; And Authorizing The City Manager To Approve Payments Of Possible Additional Costs As Contingency Expenditures Up To \$100,000, All For The Construction Of The Annual Street Rehabilitation And Preventive Maintenance Project Fiscal Year 2019/2020, Project No. EPW-19101 (CIP No. 17240005). (Mary Grace Houlihan / Ryan O'Connell)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Construction Contract \(Draft\)](#)  
[Exhibit A - Project Area Map](#)  
[APPROVED Resolution No. 20-90](#)

- 10.9.** [ID-2020-376](#) Resolution of the City Council of the City of Emeryville Accepting the 40th Street/San Pablo/Avenue Median Rehabilitation Project, EPW Project 18-105 (CIP No. 16475033) as Complete and Authorizing the City Engineer to file a Notice of Completion with the Alameda County Clerk's to CIP Project No. 16475033 and Appropriating the Remaining Project Balance of \$166,376 to the General Capital Improvement Fund (Fund 475)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 20-91](#)
- 10.10.** [ID-2020-392](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Purchase Three Marked Ford Explorer Police Enforcement Vehicles, In A Total Amount Not To Exceed \$117,352.91, From Folsom Lake Ford and the necessary emergency patrol vehicle equipment from Pursuit North, at an estimated amount of \$42,079.01 And to Appropriate Said Funds from Fund 660 (Chief Schreeder / Andrew Cassianos)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Price Quote: Folsom Ford Patrol Bid 2021](#)  
[Price Quote: Folsom Ford K-9 Bid 2021](#)  
[APPROVED Resolution No. 20-92](#)
- 10.11.** [ID-2020-389](#) Resolution of the City Council Of The City Of Emeryville Authorizing the City Manager to Accept A Grant Award on Behalf of the Police Department, From the California Office of Traffic Safety, Selective Traffic Enforcement Program (STEP) in the amount of \$46,000 For Funds Related to Improving Traffic, Bicycle, and Pedestrian Safety Within the City And That The Funds Be Deposited And Appropriated into Grant Fund 254 (Robert Schreeder / Oliver Collins)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Grant Application](#)  
[APPROVED Resolution No. 20-93](#)

- 10.12.** [ID-2020-390](#) Resolution of the City Council Of The City Of Emeryville Authorizing the City Manager to Accept A Grant Award on Behalf of the Police Department, From the Federal DOJ, Bureau of Justice Assistance in the amount of \$32,903 For Funds Related to Responding to the Corona Virus Pandemic Within the City And That The Funds Be Deposited And Appropriated into Grant Fund 254 (Robert Schreeder / Oliver Collins)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Grant Application](#)  
[APPROVED Resolution No. 20-94](#)

- 10.13.** [ID-2020-394](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Second Amendment To The Professional Services Agreement With Rio Grande Pacific Technology (Formerly Known As CTC, Inc.), For An Additional Amount Not To Exceed \$170,000 For Quiet Zone Safety Engineering Measures, For A Total Contract Amount Not To Exceed \$589,611.49 And Approving Assignment Of the Contract From CTC, Inc to Rio Grande Pacific Tech. (Mary Grace Houlihan / Ryan O'Connell)

**Attachments:** [Staff Report](#)  
[Attachment A - Original Contract.pdf](#)  
[Attachment B - 1st Amendment PSC](#)  
[Draft Resolution](#)  
[Professional Services Contract 2nd Amendment \(Riotech\)](#)  
[Exhibit A-2 Scope of Work \(2nd Amendment\)](#)  
[APPROVED Resolution No. 20-95](#)

## 11. PUBLIC HEARINGS

- 11.1.** [ID-2020-391](#) Emeryville Art Center Project: (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

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

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- 11.1.1 [ID-2020-381](#) An Ordinance Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Enter Into And Execute A Lease Disposition And Development Agreement Between The City Of Emeryville And 4060 Hollis, LLC And Related Ground Lease For The Development And Operation Of An Art Center At 4060 Hollis Street, Emeryville, California (APN 049-0618-004) And Authorizing The City Manager To Take Action To Effectuate The Lease Disposition and Development Agreement And Related Ground Lease (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15301 and 15332)

**Attachments:** [Draft Ordinance](#)

[Exhibit A - Lease Disposition and Development Agreement](#)

- 11.1.2 [ID-2020-383](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Macks Craic DBA Mack5 For Construction Monitoring Of The Emeryville Art Center Project In An Amount Not To Exceed \$144,000

**Attachments:** [Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 20-96](#)

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- 11.2. [ID-2020-382](#) An Ordinance Of The City Council Of The City Of Emeryville Amending 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 (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15332 And 15061(b)(3)) (Charles S. Bryant / Miroo Desai)

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

[Proposed Ordinance](#)

## 12. ACTION ITEMS

- 12.1. [ID-2020-380](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Submit Applications To The California Department Of Transportation (Caltrans) And The Metropolitan Transportation Commission (MTC) For An Active Transportation Program Grant In The Amount Of \$13,915,000 For The Bicycle And Pedestrian Portions Of The 40th And San Pablo Bus Hub Project. (Charles S. Bryant / Diana Keena)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Layout Plan](#)  
[Draft Resolution](#)  
[Exhibit A - Grant Application](#)  
[Exhibit B - Commission on Aging Letter of Support](#)  
[Exhibit C - BPAC Letter of Support](#)  
[APPROVED Resolution No. 20-97](#)

- 12.2. [ID-2020-377](#) Ordinance Of The City Council Of The City Of Emeryville Amending Emeryville Municipal Code Section 4-.9.01 To Expand The Scope Of The Transportation Committee To Consolidate The Transportation Committee With The Public Works Committee Created By Resolution No. 95-131; CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3)

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



### 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2020-388](#) Planning Director's report on Planning Commission actions at the August 27, 2020 meeting:

- (a) Emeryville Center for the Arts. Consideration of a Conditional Use Permit and Design Review permit for an adaptive reuse proposal that will involve renovation of an existing, 30,000 square foot vacant building at 4060 Hollis Street to accommodate an arts and cultural center, and determination of conformity with the General Plan. The project will involve removal of 6 street trees on Hollis Street and 4 trees on 40th Street.\*
- (b) BMR Emeryville Center of Innovation. A third Study Session to review a proposal for a Final Development Plan to construct four new multi-tenant research and development buildings and a supporting parking garage as part of implementation of the Emeryville Life Sciences Center Planned Unit Development/Preliminary Development Plan (PUD/PDP), also referred to as the "Chiron PUD/PDP" (PUD 93-2), that was approved by the City Council on August 15, 1995.

\* 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 August 27, 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

**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2020-408](#) **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.**

September 15, 2020 City Council Meeting

- Study Session: Budget Strategies
- Public Hearing: 47th Street Homes Project

October 6, 2020 City Council Meeting

- Public Hearing: Planning Regulations Amendments (ADUs)
- Mural Program

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 SEPTEMBER 15, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.