



**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, October 6, 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/97782172669?pwd=YzJlVkJFbVZGNSZDhwTWdKNWVlBWVGkvZz09>  
Passcode: 628089

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Or iPhone one-tap :

US:

+16699006833,,97782172669#,,,,,0#,,628089#

or

13462487799,,97782172669#,,,,,0#,,628089#

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Or Telephone:

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

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

Webinar ID: 977 8217 2669

Passcode: 628089

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International numbers available: <https://zoom.us/j/97782172669?pwd=YzJlVkJFbVZGNSZDhwTWdKNWVlBWVGkvZz09>

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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.

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 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-2020-456](#)   Warrants. (Bill Zenoni)

Attachments:   [Staff Report](#)  
                          [Wire Transfers](#)  
                          [Check Register](#)

- 10.2.**     [ID-2020-439](#)   Action Minutes of September 15, 2020 Special Closed Session (City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency). (Sheri Hartz)

Attachments:   [Action Minutes](#)

- 10.3.**     [ID-2020-441](#)     Action Minutes of September 15, 2020 Emeryville City Council Special Study Session. (Sheri Hartz)  
                 **Attachments:**   [Action Minutes](#)
- 10.4.**     [ID-2020-442](#)     Action Minutes of September 15, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)  
                 **Attachments:**   [Action Minutes](#)
- 10.5.**     [ID-2020-443](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Grant Recipient Contract With Emeryville Citizens Assistance Program In The Amount Of \$75,282 To Support Food And Clothing Distribution To Persons Experiencing Homelessness And Those Near-Homelessness For Fiscal Year 2020-2021 (Charles S. Bryant / Chadrick Smalley / Emi Thériault)  
                 **Attachments:**   [Staff Report](#)  
                                 [Attachment 1 - ECAP Annual Report FY 19-20](#)  
                                 [Attachment 2 - ECAP Grant Application FY 20-21](#)  
                                 [Draft Resolution](#)  
                                 [Exhibit A - Grant Recipient Contract](#)  
                                 [APPROVED Resolution No. 20-103](#)
- 10.6.**     [ID-2020-451](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three (3) Year Maintenance Contract In The Amount Of \$69,189.00 With Pestmaster Services, Incorporated For Citywide Integrated Pest Management Services At Various City Owned Buildings For Fiscal Years 2020/21, 2021/22, And 2022/23, And Authorizing The City Manager To Execute Up To Two (2) Additional One-year Extensions Not To Exceed \$53,439.00, Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Year, For A Total Contract Value Not To Exceed \$122,628.00. (Mary Grace Houlihan / Joseph Aguilera)  
                 **Attachments:**   [Staff Report](#)  
                                 [Draft Resolution](#)  
                                 [Citywide Integrated Pest Management Services Contract](#)  
                                 [APPROVED Resolution No. 20-104](#)

- 10.7. [ID-2020-450](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To File An Application For ACTC COVID-19 Rapid Response Bicycle And Pedestrian Grant Program Funding For The Shared Doyle Street Quick-Build Project. (Mary Grace Houlihan / Ryan O'Connell)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Project Area Map](#)  
[Draft Grant Application](#)  
[APPROVED Resolution No. 20-105](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2020-444](#) 47th Street Homes, 1034-1042 47th Street (UPDR18-002) (Continued from September 15, 2020) (Charles S. Bryant / Navarre Oaks)

**Attachments:** [Staff Report](#)  
[Staff Report from September 15, 2020](#)  
[Attachment 1 - Applicant Statement 05-04-20](#)  
[Attachment 2 - Site Photographs and Locations](#)  
[Attachment 3 - 47th Street Housing Conditions Photos](#)  
[Attachment 4 - Tree Inventory & Assessment 06-04-20](#)  
[Attachment 5 - City Arborist Peer Review 06-03-20](#)  
[Attachment 6 - Correspondence to Planning Commission 06-25-20](#)  
[Attachment 7 - Applicant Response Letter 08-25-20](#)  
[Attachment 8 - Plans Dated 06-25-20](#)  
[Late Correspondence - Charles J. Higley](#)

- [ID-2020-445](#) Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review Permit For "47th Street Homes", To Demolish Four Existing Single-Unit Homes And Replace Them With Three Duplexes On One Parcel At 1034-1042 47th Street (APN: 49-1175-8-3) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303(b) and 15061(b)(3))

**Attachments:** [Draft Resolution](#)  
[Exhibit A - Conditions of Approval](#)  
[APPROVED Resolution No. 20-106](#)

**--OR--**

[ID-2020-446](#) Resolution Of The City Council Of The City Of Emeryville Denying A Conditional Use Permit And Design Review Permit For “47th Street Homes”, To Demolish Four Existing Single-Unit Homes And Replace Them With Three Duplexes On One Parcel (APN: 49-1175-8-3) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15270)

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

## 12. ACTION ITEMS

- 12.1. [ID-2020-395](#) Resolution Of The City Council Of The City Of Emeryville Denying Bid Protest Submitted By FBD Vanguard Construction, Inc. And Waiving Variance In Bid Submitted By Burch Construction Company, Authorizing The City Manager To Enter Into A Contract With Burch Construction Company In An Amount Not To Exceed \$155,375.00; And Authorizing The City Manager To Approve Payments Of Possible Additional Costs As Contingency Expenditures Up To \$20,000, All For The Construction Of The San Pablo Avenue Midblock Crosswalk Project, Project No. EPW-19103 (CIP No. 18221006). (Mary Grace Houlihan / Michael Roberts)

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

[Draft Resolution](#)

[Exhibit A - Project Area Map](#)

[Public Bid Construction Contract](#)

[Exhibit B: Insurance Requirements](#)

[Bid Protest Letter : Vanguard Construction](#)

[APPROVED Resolution No. 20-107](#)

- 12.2. [ID-2020-429](#) Report To The City Council Of The City Of Emeryville Of Actions Taken By The Bicycle/Pedestrian Advisory Committee For Council Consideration. (Mary Grace Houlihan / Nancy Humphrey)

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

[BPAC Presentation on Potential COVID Response Actions](#)

[Motion Tracking Matrix Q2](#)

[BPAC Recommendations COVID Response Actions](#)

[Late Information: Updated Matrix List Staff Report](#)

[Late Information: Updated Motion Tracking Matrix Q2](#)

### 13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2020-447](#) Planning Director's report on Planning Commission actions at the September 24, 2020 meeting:

- (a) San Pablo Affordable Apartments. Second study session to review a proposal for redevelopment of a 0.39 acre site at 3600 San Pablo Avenue with a 7-story, 90-unit, 100% affordable housing project with a minimum of 3,600 square feet of ground floor commercial space for the Emeryville Citizens' Assistance Program (ECAP). The applicant proposes that the project be processed under SB 35, which mandates ministerial approval (i.e. staff level), and AB 1763, which specifies no density limit for projects within one-half mile of transit.

The packet for the September 24, 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-2020-458](#) **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.**

**October 20, 2020 City Council Meeting**

- Study Session: Emergency Preparedness Training for City Council Members
- Study Session: CalCHA Moderate Income Housing Bond Program
- Public Hearing: Noise Waiver for South Bayfront Bridge Placement
- Annual Art Show Purchase Award
- Food Delivery Fees Review

**November 17, 2020 City Council Meeting**

- Study Session #3: Unit Mix Requirements for High-Rise
- Public Hearing: Planning Regulations Amendment for ADUs
- City Council Rules of Procedure Update
- Committee/Commission Rules of Procedure Update

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 OCTOBER 20, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.