



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

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**Tuesday, December 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://emeryville-org.zoom.us/j/96270421214?pwd=ci9tRkZRRlJhc050V0t3c0xKQkswUT09>  
Passcode: 628089

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Or iPhone one-tap :

US:

+16699006833,,96270421214#,,,,,0#,,628089#  
or  
+12532158782,,96270421214#,,,,,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  
+1 253 215 8782 or  
+1 346 248 7799 or  
+1 312 626 6799 or  
+1 929 205 6099 or  
+1 301 715 8592

Webinar ID:962 7042 1214

Passcode: 628089

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International numbers available: <https://emeryville-org.zoom.us/j/96270421214?pwd=ci9tRkZRRlJhc050V0t3c0xKQkswUT09>

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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-2020-559](#)     Warrants. (Bill Zenoni)

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

- 10.2.**     [ID-2020-554](#)     Action Minutes of November 17, 2020 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments:   [Action Minutes](#)

- 10.3. [ID-2020-556](#) Action Minutes of November 17, 2020 Emeryville City Council Special Study Session. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2020-557](#) Action Minutes of November 17, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.5. [ID-2020-025](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Four (4) Year Grant Agreement To Provide Funding To The City Of Oakland To Support Library Services For the Following Fiscal Years 2019-2020, 2020-2021, 2021-2022 and 2022-2023 In The Amount Of One Hundred Twenty Thousand Dollars (\$120,000) Per Year, For A Total Not To Exceed Amount Of Four Hundred Eighty Thousand Dollars (\$480,000). (Pedro Jimenez)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - City of Oakland Library Letter](#)  
[Exhibit B - Library Agreement Oakland](#)  
[APPROVED Resolution No. 20-120](#)
- 10.6. [ID-2020-558](#) Resolution Of The City Council Of The City Of Emeryville To Accept A Donation Of A Container Of Emergency Supplies From Novartis. (Trish Raver / Lori Elefant)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[List of Donated Emergency Supplies](#)  
[APPROVED Resolution No. 20-121](#)
- 10.7. [ID-2020-536](#) Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2019-2020 (Charles S. Bryant)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Impact Fee Annual Report FY 19-20](#)  
[APPROVED Resolution No. 20-122](#)

- 10.8.**     [ID-2020-527](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Contract With Fehr And Peers Increasing The Total By \$19,115 From \$44,990 To \$64,105 For Additional Transportation Related Analysis For The Proposed Emeryville Center Of Innovation Project By Biomed Realty, And Authorizing The City Manager To Execute Additional Amendments To The Contract So Long As The Cumulative Amounts Of The Amendments Do Not Exceed \$5,000, For A Total Contract Amount Not To Exceed \$69,105 (Charles S. Bryant / Miroo Desai)

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

[Attachment 1 - Professional Services Contract](#)

[Draft Resolution](#)

[Exhibit A - First Contract Amendment](#)

[APPROVED Resolution No. 20-123](#)

- 10.9.**     [ID-2020-540](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute And Enter Into A Second Amendment In An Amount Not To Exceed \$142,025 For A Total Contract Amount Not To Exceed \$348,309 To The Professional Services Agreement With OTG EnviroEngineering Solutions, Inc. Dated July 1, 2018 For Environmental Work Required By The Alameda County Department Of Environmental Health. (Mary Grace Houlihan / Nancy Humphrey)

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

[Professional Services Agreement](#)

[Professional Services Contract - 1st Amendment](#)

[Draft Resolution](#)

[Professional Services Contract - 2nd Amendment](#)

[Exhibit A-2 Proposal](#)

[APPROVED Resolution No. 20-124](#)

- 10.10.**     [ID-2020-538](#)     An Ordinance Of The City Council Of The City Of Emeryville Temporarily Waiving Or Modifying Certain Provisions Of The Planning Regulations Related To Temporary Use Permits For COVID-Related Uses; 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 November 17, 2020](#)

[Proposed Ordinance](#)

[APPROVED Ordinance No. 20-026](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2020-539](#) Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 And The Building Regulations In Title 8 Of The Emeryville Municipal Code Regarding Accessory Dwelling Units And Junior Accessory Dwelling Units (CEQA Status: Exempt Pursuant To Public Resources Code Section 21080.17) (Charles S. Bryant / Diana Keena)

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

[Attachment 2 - HCD ADU Handbook, September 2020](#)

[Proposed Ordinance](#)

## 12. ACTION ITEMS

- 12.1. [ID-2020-565](#) Resolution Of The City Council Of The City Of Emeryville Re-Appropriating \$115,000 From The Local Business Recovery Program To Provide Matching Funds For The Alameda County CARES Business Grants Program (Charles S. Bryant / Chadrick Smalley)

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

[Attachment 1 - Alameda County CARES Grant Program Flyer](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-125](#)

- 12.2. [ID-2020-529](#) Resolution Of The City Council Of The City Of Emeryville Adopting The City Council Regular Meeting Calendar For February 2021 Through January 2022. (Sheri Hartz / Lorraine Leong)  
**(In Conjunction with Successor Agency Agenda Item 7.1)**

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

[Draft Resolution](#)

[Proposed 2021 City Council Regular Meeting Calendar](#)

[APPROVED Resolution No. 20-126](#)

- 12.3.**     [ID-2020-542](#)     Resolution Of The City Council Of The City Of Emeryville Appointing City Council Representatives To Various County, Regional And Statewide Boards, Commissions And Committees For Calendar Year 2021; Publicly Notice FPPC Form Number 806 As Required By FPPC Regulation 18705.5; And Amending The 2021 City Roster Of County, Regional And Statewide Bodies Accordingly. (Sheri Hartz / Lorraine Leong)

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

[Attachment A - 2020 Regional Bodies Roster](#)

[Attachment B - 2020 FPPC Form 806](#)

[Draft Resolution](#)

[Exhibit A - 2021 Abridged Regional Bodies Roster](#)

[Exhibit B - 2021 FPPC Form 806.pdf](#)

[APPROVED Resolution No. 20-127](#)

- 12.4.**     [ID-2020-543](#)     Resolution Of The City Council Of The City Of Emeryville Appointing City Council Members To City Council Committees For Calendar Year 2021; And Amending The FY2020-21 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)

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

[Attachment A - 2020 Roster of Council Committees](#)

[Draft Resolution](#)

[Exhibit A - 2021 Roster of Council Committees](#)

[APPROVED Resolution No. 20-128](#)

- 12.5.**     [ID-2020-544](#)     Resolution Of The City Council Of The City Of Emeryville Appointing City Council Members To Serve As City Council Member Liaisons To The City's Community Advisory Committees For Calendar Year 2021; And Amending The FY2020-21 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)

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

[Draft Resolution](#)

[APPROVED Resolution No. 20-129](#)

- 12.6.**     [ID-2020-535](#)     Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For Council Member Succession In The Event Of A Declared Emergency For Calendar Year 2021. (Sheri Hartz / Lorraine Leong)

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

[Attachment A: 2020 Standby Officers Roster](#)

[Attachment B: Government Code Sections 8635-8644](#)

[Draft Resolution](#)

[Exhibit A: 2021 Standby Officers Roster](#)

[APPROVED Resolution No. 20-130](#)

- 12.7.**     [ID-2020-567](#)     Resolution Of The City Council Of The City Of Emeryville Amending The City Council Rules Of Procedure. (Sheri Hartz)

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

[Draft Resolution](#)

[Exhibit A](#)

[APPROVED Resolution No. 20-131](#)

- 12.8.**     [ID-2020-561](#)     Resolution Of The City Council Of The City Of Emeryville Amending The Rules Of Procedure For Local Boards, Commissions And Committees Of The City Of Emeryville. (Sheri Hartz)

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

[Draft Resolution](#)

[Exhibit A - Rules of Procedure for Local Boards, Commissions and Committees \(Red-Lined\)](#)

[APPROVED Resolution No. 20-132](#)

**13. DEPARTMENT HEAD REPORTS**

**14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

**15. ADJOURNMENT**



**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2020-573](#) **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.**

December 15, 2020 City Council Meeting

- Study Session: Housing Bond Expenditure Plan
- Legislative Report and Summary
- Comprehensive Annual Financial Report
- Consideration Of Elimination Of Criminal Penalties From The Municipal Code
- Economic Development Strategy Annual Implementation Report

The City Council takes its winter recess on the first Tuesday of January each year. The Council's next Regular Meeting will be held on Tuesday, January 19, 2021.

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 DECEMBER 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.