



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

Tuesday, September 15, 2020

7:16 PM

Teleconference

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 or the City Clerk, Sheri Hartz, at 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/98336936001?pwd=N1ZZOU1jWkZpK0kyTjg0RkUyTDRXdz09>
Passcode: 628089

Or iPhone one-tap :

US:

+16699006833,,98336936001#,,,,,0#,,628089#
or
+13462487799,,98336936001#,,,,,0#,,628089#

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 +1 301 715 8592 or +1 312 626 6799 or
+1 929 205 6099

Webinar ID: 983 3693 6001
Passcode: 628089

International numbers available: <https://zoom.us/u/alt6O652v>

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-2020-430](#) Warrants. (Bill Zenoni)

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

- 10.2. [ID-2020-407](#) Action Minutes of September 1, 2020 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.3. [ID-2020-409](#) Action Minutes of September 1, 2020 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.4. [ID-2020-432](#) Action Minutes of September 1, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.5.** [ID-2020-411](#) Resolution of the City Council Accepting Approving a Parking Processing Agency Procedure Manual as Required by California Vehicle Code Section 40200.6. (Interim Chief Schreeder)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Parking Processing Agency Procedure Manual](#)
 [APPROVED Resolution No. 20-98](#)

- 10.6.** [ID-2020-413](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Lexington Planning LLC To Prepare Objective Design And Development Standards In An Amount Not To Exceed \$160,000 (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)
 [Attachment 1 - Request for Proposals](#)
 [Draft Resolution](#)
 [Exhibit A - Professional Services Contract](#)
 [APPROVED Resolution No. 20-99](#)

- 10.7.** [ID-2020-403](#) 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 \$720,914.00 With George S. Hall, Inc. For Citywide Maintenance / Construction 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 A Total Of \$547,036.00, Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Year, For A Total Contract Value Not To Exceed \$1,267,950.00. (Mary Grace Houlihan / Joseph Aguilera)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [GSH Maintenance Services Contract](#)
 [APPROVED Resolution No. 20-100](#)

- 10.8.** [ID-2020-422](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Second Amendment To The Professional Services Agreement With Coastland Civil Engineering, Inc. Extending The Contract To June 30, 2021 With An Additional \$359,100 For A Total Contract Amount Not To Exceed \$654,648 For City Engineering & Inspection Services, Capital Projects Delivery Support, And Construction Management Services

Attachments: [Staff Report](#)
 [Professional Services Contract](#)
 [Professional Services Contract - 1st Amendment](#)
 [Draft Resolution](#)
 [Professional Services Contract - 2nd Amendment](#)
 [Exhibit A-2](#)
 [APPROVED Resolution No. 20-101](#)

- 10.9.** [ID-2020-421](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Construction Of Traffic Signals At 40th Street - Harlan Street And Powell Street - Doyle Street, Project No. EPW-17113 (CIP No. 03444125 And 16475001) As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Mary Grace Houlihan/ Ryan O'Connell)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 20-102](#)

- 10.10.** [ID-2020-427](#) 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: [Staff Report](#)
 [Attachment 1 - Staff Report from September 1, 2020](#)
 [Proposed Ordinance](#)
 [Exhibit A - Lease Disposition and Development Agreement](#)
 [APPROVED Ordinance No. 20-020](#)

- 10.11.** [ID-2020-412](#) 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](#)

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

[Proposed Ordinance](#)

[APPROVED Ordinance No. 20-021](#)

- 10.12.** [ID-2020-425](#) 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](#)

[APPROVED Ordinance No. 20-022](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2020-414](#) 47th Street Homes, 1034-1042 47th Street (UPDR18-002) (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)

[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](#)

[ID-2020-415](#) 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](#)

--OR--

[ID-2020-416](#) 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-2020-424](#) Consideration Of Eliminating Criminal Penalties For Violations Of The Emeryville Municipal Code. (Michael Guina)

Attachments: [Staff Report](#)
[Attachment 1 Comparison of Penalties](#)

12.2. [ID-2020-418](#) League Of California Cities 2020 Annual Conference Resolutions Packet. (Sheri Hartz)

Attachments: [Staff Report](#)
[2020 Resolution Packet](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2020-435](#) **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 6, 2020 City Council Meeting

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

October 20, 2020 City Council Meeting

- Public Hearing: Noise Waiver for South Bayfront Bridge Placement
- Annual Art Show Purchase Award
- Committees Rules of Procedure Update
- Food Delivery Fees Review

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

www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive.

THE NEXT REGULAR MEETING WILL BE ON OCTOBER 6, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.