



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 Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina
Council Member (Vacant)

Monday, September 13, 2021

5:31 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://emeryville-org.zoom.us/j/92174990706>

Passcode: 150105

Or iPhone one-tap: +16699006833,,92174990706#

Or Telephone: 1 669 900 6833

Webinar ID:921 7499 0706

Passcode: 150105

International Phone Numbers: <https://emeryville-org.zoom.us/j/92174990706>

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-2021-423](#) Warrants. (Brad Farmer)

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

- 10.2. [ID-2021-386](#) Action Minutes of July 20, 2021 Special Closed Session (City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.3. [ID-2021-390](#) Action Minutes of July 20, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.4. [ID-2021-391](#) Action Minutes of July 20, 2021 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.5. [ID-2021-392](#) Action Minutes of July 20, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.6.** [ID-2021-384](#) Resolution Of The City Council Authorizing The City Manager To Accept A Grant Award On Behalf Of The Police Department, From The FY2021 Byrne Justice Assistance Grant (JAG) In The Amount Of \$10,613.13 For Funds Related To Conducted Energy Devices. (Chief Jennings / Oliver Collins)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Grant Application](#)
[EPD Conducted Energy Device Policy](#)
[APPROVED Resolution No. 21-89](#)
- 10.7.** [ID-2021-215](#) Resolution Of The City Council Authorizing The City Manager To Accept A Grant Award On Behalf Of The Police Department, From The State Homeland Security Grant Program (SHSGP) In The Amount Of \$16,500 For Funds Related To ballistic shields and a patrol vehicle mounted RADAR. (Capt. Oliver Collins)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[SHSGP FY19 Proposal Application](#)
[APPROVED Resolution No. 21-90](#)
- 10.8.** [ID-2021-410](#) Resolution Of The City Council Of The City Of Emeryville Approving The Expenditure Of An Amount Not To Exceed \$15,000 From The Public Art Fund (Fund 243) For The City Hall Art Banner Project Consisting Of The Installation Of 15 Banners In Place Of Ten Existing Banners Located At City Hall (Charles S. Bryant / Chadrick Smalley / Amber Evans)
Attachments: [Staff Report](#)
[Attachment 1 - Photos of Existing Banners](#)
[Attachment 2 - Proposed Layout](#)
[Attachment 3 - Proposed Banner Artwork](#)
[Draft Resolution](#)
[APPROVED Resolution No. 21-91](#)
- 10.9.** [ID-2021-405](#) Resolution Of the City Council Of the City of Emeryville Accepting the Child Development Center Rehabilitation Project No. EPW 19-114 (CIP No. 16475013) as Complete and Authorizing the City Engineer to File a Notice of Completion With the Alameda County Clerk
Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 21-92](#)

- 10.10.** [ID-2021-428](#) Resolution Of The City Council Of The City Of Emeryville Authorizing Examination Of Sales And Use Tax Records By the City Manager and MuniServices, LLC. (Brad Farmer)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 21-93](#)
- 10.11.** [ID-2021-406](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract In The Amount Of \$897,387.25 With Zephyr Rail For Bid Support, Pre-Construction Assistance, Construction Management, And Testing Services For The Quiet Zone Safety Engineering Measures Project, (CIP No. 19475008). (Christine Daniel / Ryan O'Connell)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - PSC with Zephyr Rail](#)
[Attachment B - Caltrans Form 12-F](#)
[APPROVED Resolution No. 21-94](#)
- 10.12.** [ID-2021-411](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The '8 To Go' Paratransit Shuttle Service Agreement With The Emeryville Transportation Management Association, For A Total Amount Not To Exceed \$126,500, Execute A Grant Agreement with the City of Oakland for \$50,000, And Appropriate \$35,644 to 261-88400. (Pedro Jimenez)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[ETMA PSA 21-22](#)
[APPROVED Resolution No. 21-95](#)
- 10.13.** [ID-2021-409](#) Building Division Budget Revisions And WC3 Contract Amendment. (Charles S. Bryant / Victor Gonzales)
Attachments: [Staff Report](#)
- 10.13.1** [ID-2021-417](#) Resolution Of The City Council Of The City Of Emeryville Increasing Revenues And Expenditures In The Building Division Budget For Fiscal Year 2021-2022
Attachments: [Draft Resolution](#)
[APPROVED Resolution No. 21-96](#)

- 10.13.2** [ID-2021-418](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment Of The Professional Services Contract With West Coast Code Consultants (WC3) For Fiscal Year 2021-2022 For Building Division Services In An Amount Of \$500,000 To Cover Expanded Services For A Total Amount Not To Exceed \$ 1,633,700, And Authorizing The City Manager To Amend The WC3 Contract In The Future Up To A Total Compensation Amount Not To Exceed \$2,133,700, Provided That There Is Sufficient Revenue To Cover The Expense

Attachments: [Professional Services Contract](#)

[Draft Resolution](#)

[Exhibit A - First Amendment to Contract with WC3](#)

[APPROVED Resolution No. 21-97](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2021-383](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To The Public Market AG-CCRP L.P. (Chief Jennings / Oliver Collins)

Attachments: [Staff Report](#)

[Public Market Application](#)

[Draft Resolution](#)

[Conditions of Approval](#)

[APPROVED Resolution No. 21-98](#)

- 11.2.** [ID-2021-400](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Rob Ben's Restaurant and Lounge. (Chief Jennings / Oliver Collins)

Attachments: [Staff Report](#)

[Rob Ben's Application](#)

[Draft Resolution](#)

[Rob Ben's Conditions of Approval](#)

[APPROVED Resolution No. 21-99](#)

- 11.3.** [ID-2021-402](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Trader Vic's. (Chief Jennings / Oliver Collins)

Attachments: [Staff Report](#)
 [Trader Vic's Application](#)
 [Draft Resolution](#)
 [Trader Vic's Conditions of Approval](#)
 [APPROVED Resolution No. 21-100](#)

- 11.4.** [ID-2021-403](#) Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 10 ("Energy Code") of Title 8 ("Building Regulations") Of The Emeryville Municipal Code To Amend The 2019 California Energy Code Of The 2019 Edition Of The California Building Standards Code (California Code Of Regulations, Title 24, Part 6). (Nancy Humphrey)

Attachments: [Staff Report](#)
 [Draft Ordinance](#)
 [Exhibit A - Approved Reach Codes in CA](#)
 [Exhibit B - 2019 Res NC Reach Codes](#)
 [Exhibit C - 2019 Mid-rise NC Cost-Eff Report \(1\)](#)
 [APPROVED Ordinance No. 21-006](#)

12. ACTION ITEMS

- 12.1. [ID-2021-419](#) Community Advisory Committee Appointments: (Sheri Hartz / Lorraine Leong)

Attachments: [Staff Report](#)

[Commission on Aging - Applicant Rene Terlet](#)

[Commission on Aging - Applicant Dr Walt Watman](#)

[Housing Committee - Applicant Cristal Alejandrez](#)

[Housing Committee - Applicant Rodrigo Jacomet](#)

[Housing Committee - Applicant Daniel Johnson](#)

[Housing Committee - Applicant Martin Leung](#)

- 12.1.1 [ID-2021-420](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Community Member To Serve On The Commission On Aging For A Term Commencing Immediately And Ending June 30, 2025; And Amending The FY2021-22 Local Roster Of Boards, Commissions And Committees Accordingly

Attachments: [Draft Resolution - Commission on Aging](#)

[Exhibit A - Commission on Aging Roster](#)

- 12.1.2 [ID-2021-421](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Community Member To Serve On The Housing Committee For A Term Commencing Immediately And Ending June 30, 2022; Appointing _____ As Community Member To Serve On The Housing Committee For A Term Commencing Immediately And Ending June 30, 2023; And Amending The FY2021-22 Local Roster Of Boards, Commissions And Committees Accordingly

Attachments: [Draft Resolution - Housing Committee](#)

[Exhibit A - Housing Committee Roster](#)

[APPROVED Resolution No. 21-101](#)

- 12.2.** [ID-2021-228](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Public Art Committee's Recommendation To Approve The Design Proposal By Nigel Sussman For The Public Art Mural Project At 1451 Sherwin Avenue, Authorizing The City Manager To Execute An Artist Agreement With Nigel Sussman In An Amount Not To Exceed \$80,000 For Final Design And Installation Of The Artwork, And Authorizing The City Manager To Execute A License Agreement With P&H Associates And Nigel Sussman For The Installation Of The Artwork (Charles S. Bryant / Chadrick Smalley / Amber Evans)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment 1 - Artist Agreement](#)
[Attachment 2 - License Agreement](#)
[APPROVED Resolution No. 21-102](#)
- 12.3.** [ID-2021-401](#) League Of California Cities 2021 Annual Conference Resolutions Packet. (Sheri Hartz / Thai Nam Pham)
Attachments: [Staff Report](#)
[2021 Resolution Packet](#)
[Letter from City of Rancho Cucamonga](#)
- 12.4.** [ID-2021-416](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Housing Committee; And Amending The FY2021-22 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A: Housing Committee Roster](#)
[APPROVED Resolution No. 21-103](#)
- 12.5.** [ID-2021-414](#) Report To The City Council Of The City Of Emeryville Of Recommendations Made By The Parks and Recreation Committee For Council Consideration. (Pedro Jimenez)
Attachments: [Staff Report](#)

- 12.6.** [ID-2021-412](#) Resolution Of The City Council Of The City Of Emeryville Setting A Public Hearing Date Of October 5, 2021 To Consider An Appeal Of The Planning Commission's June 24, 2021 Denial Of An Amendment To A Conditional Use Permit And Design Review Permit For The Redevelopment Of The Existing 30,000 Square Foot Vacant Building Located At 4060 Hollis Street As An Arts And Cultural Center, And Two Signs (APN: 49-618-4). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Project Record](#)

[APPROVED Resolution No. 21-104](#)

- 12.7.** [ID-2021-408](#) 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 (MESA) And Christine S. Daniel As City Manager And Authorizing The Chair Of The Board Of Directors To Execute Said Agreement On Behalf Of MESA. (Mayor Martinez)

(In Conjunction With MESA Agenda Item 7.2)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: Agreement of Employment](#)

[APPROVED Resolution No. 21-105](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2021-429](#) **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 5, 2021 City Council Meeting

- Study Session: Atrium Longfellow PUD (Planned Unit Development)
- Public Hearing: Planning Regulations Amendment to Make Cannabis Manufacturing a Minor Conditional Use Permit

October 19, 2021 City Council Meeting

- Study Session: EmeryStation Overland (Seeking "Flexible Community Benefit" to Convert Existing Live/Work Units to Below Market Rate Units) (Part 2)
- Annual Art Show Purchase Award

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

www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive.1

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, OCTOBER 5, 2021, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.