



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 (Vacant)

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**Tuesday, October 19, 2021**

**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 A DECLARED STATE OF  
EMERGENCY**

**(to continue until further notice):**

Pursuant to California Assembly Bill 361, 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/84548004847>  
Passcode: 932869

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Or iPhone one-tap: +16699006833,,84548004847#,,,,\*932869#

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Or Telephone: 1 669 900 6833  
Webinar ID:845 4800 4847  
Passcode: 932869

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International Phone Numbers: <https://emeryville-org.zoom.us/j/84548004847>

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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-2021-471](#) Warrants. (Brad Farmer)  
**Attachments:** [Staff Report](#)  
[Wire Transfers](#)  
[Check Register](#)
  - 10.2. [ID-2021-489](#) Action Minutes of October 5, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
  - 10.3. [ID-2021-486](#) Action Minutes of October 5, 2021 Special Closed Session (City Council / City of Emeryville as Successor Agency to the Redevelopment Agency / Management of Emeryville Services Authority). (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
  - 10.4. [ID-2021-487](#) Action Minutes of October 5, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)

- 10.5.** [ID-2021-465](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Second Amendment To The Exclusive Right To Negotiate Agreement With EAH, Inc. ("ERN") For The Purpose Of Negotiating A Lease Disposition And Development Agreement For The Redevelopment And Operation Of 4300 San Pablo Avenue As Intergenerational Housing To: (1) Extend The ERN Term To January 22, 2022, (2) Authorize An Additional 180 Day Extension If Needed, And (3) Authorize the Execution of Additional Minor Amendments As Necessary To Effectuate The Purpose Of The ERN (Charles S. Bryant / Chadrick Smalley)

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

[Attachment 1 - Executed ERN](#)

[Attachment 2 - First Amendment to ERN](#)

[Draft Resolution](#)

[Exhibit A - Second Amendment to ERN](#)

[APPROVED Resolution No. 21-109](#)

- 10.6.** [ID-2021-470](#) Resolution Of The City Council Of The City Of Emeryville Rejecting All Bids For The Purchase And Delivery Of A 22-26 Passenger Wheelchair Accessible Bus. (Pedro Jimenez / Kim Burrowes)

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

[Draft Resolution](#)

[APPROVED Resolution No. 21-110](#)

- 10.7.** [ID-2021-464](#) Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations At Title 9 Of The Emeryville Municipal Code To Allow Cannabis Manufacturing With A Minor Conditional Use Permit (CEQA Status: Not A "Project" Under Public Resources Code Section 21065, And Common Sense Exemption At CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant)

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

[Attachment 1 - Staff Report from October 5, 2021](#)

[Proposed Ordinance](#)

[APPROVED Ordinance No. 21-007](#)

## 11. PUBLIC HEARINGS

No Public Hearing Items.

**12. ACTION ITEMS**

- 12.1.** [ID-2021-466](#) Resolution Of The City Council Of The City Of Emeryville Approving The Purchase Of Artworks For The City's Annual Purchase Award Program Entitled "Reuben Rodgers" and "Christian Sands" By Emeryville Artist Ronald Davis With Funding Of Up To \$11,500 From The Public Art Fund (Fund 243) For The Purchase And Installation Of The Artworks, And Acknowledging Arie Dallas And Linda Lee Boyd As The First And Second Honorable Mentions (Charles S. Bryant / Chadrick Smalley / Amber Evans)
- Attachments:** [Staff Report](#)  
[Attachment 1 - Artwork Images](#)  
[Attachment 2 - Artists' Biographies](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 21-111](#)
- 12.2.** [ID-2021-430](#) Resolution Of The City Council Of The City Of Emeryville Requesting That East Bay Community Energy Enroll All City Of Emeryville Municipal Electric Accounts In Renewable 100 (100% Local, Renewable, And Greenhouse Gas-Free) Service; CEQA Determination: Exempt Pursuant To CEQA Guideline 15061(b)(3). (Mohamed Alaoui / Nancy Humphrey)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 21-112](#)
- 12.3.** [ID-2021-469](#) Discussion On Whether To Send A Letter From The Mayor On Behalf Of The Entire City Council In Opposition To Proposed CARB Commercial Harbor Craft/Sportfishing Boat Engine Regulations. (Council Member Bauters)
- Attachments:** [Staff Report](#)  
[Attachment 1: Sportfishing Association FAQs on Harbor Craft Rule](#)  
[Attachment 2: CARB Fact Sheet on Harbor Craft Rule](#)  
[Late Correspondence - Andy Guiliano](#)  
[Late Correspondence - Ken Franke](#)

- 12.4. [ID-2021-461](#) Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Extension Of The Term Of The Agreement Of Employment Between The Management Of Emeryville Services Authority (MESA) And Andrea Visveshwara As Interim City Attorney And Authorizing The Chair Of The Board Of Directors To Execute The First Amendment To The Agreement. (Mayor Martinez)  
**(In Conjunction With MESA Agenda Item 7.1)**

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

[Draft Resolution](#)

[Exhibit A: City Attorney Contract 1st Amendment](#)

[APPROVED Resolution No. 21-113](#)

**13. DEPARTMENT HEAD REPORTS**

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

**15. ADJOURNMENT**

**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2021-494](#) **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.**

November 2, 2021 City Council Meeting

- Study Session: Marketplace PUD (Planned Unit Development) and Development Agreements Amendments
- Proclamation: United Against Hate Week
- Development Impact Fee Annual Report Information Item
- Consider Making Findings to Continue Remote Meetings Pursuant to AB 361

November 16, 2021 City Council Meeting

- Study Session: EmeryStation Overland Project
- Development Impact Fee Annual Report Approval

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 TUESDAY, NOVEMBER 2, 2021, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.