



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)

Tuesday, November 16, 2021

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 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 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/88676257687>
Passcode: 631522

Or iPhone one-tap: +16699006833,,88676257687#,,,,*631522#

Or Telephone: 1 669 900 6833
Webinar ID:886 7625 7687
Passcode: 631522

International Phone Numbers: <https://emeryville-org.zoom.us/j/88676257687>

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-2021-531](#) Warrants. (Brad Farmer)
Attachments: [Staff Report](#)
[Wire Transfers](#)
[Check Register](#)
 - 10.2. [ID-2021-537](#) Action Minutes of the November 2, 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](#)
 - 10.3. [ID-2021-539](#) Action Minutes of November 2, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)
Attachments: [Action Minutes](#)
 - 10.4. [ID-2021-540](#) Action Minutes of November 2, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)

- 10.5.** [ID-2021-530](#) Resolution Of The City Council Of The City Of Emeryville Making Required Findings To Allow The Continuation Of Remotely Held Meetings Of The City Council And All City Committees And Commissions, (Except The Planning Commission Which Will Make Its Own Findings), Pursuant To AB 361. (Sheri Hartz / Thai Nam Pham)

(In Conjunction with Successor Agency Agenda Item 6.4, and MESA Agenda Item 6.3)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-120](#)

- 10.6.** [ID-2021-508](#) Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (ETMA) 2022 Budget And Setting Compensation To The ETMA To Operate The Emery Go-Round Shuttle Service During The 2022 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Four Million, Two Hundred Forty-Five Thousand, Four Hundred And Fifty-Three Dollars (\$4,245,453); And Authorizing Payment From The Emeryville Property Based Business Improvement District (PBID) Fund 805; And Authorizing An Additional Five Hundred Sixty-Four Thousand, Seven Hundred Twenty-Six Dollars (\$564,726) From The Emeryville Property Based Business Improvement District (PBID) Fund 805 To Cover The General Benefit Contribution. (Brad Farmer)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: ETMA 2022 Budget](#)

[APPROVED Resolution No. 21-121](#)

- 10.7.** [ID-2021-533](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Attorney To Execute National And State Participation Agreements And Take Related Actions To Receive Funding From The National Opioid Settlement Involving Distributors McKesson, Cardinal Health And AmerisourceBergen And Manufacturers Jansen Pharmaceuticals, Inc. And Johnson & Johnson. (Andrea Visveshwara)

Attachments: [Staff Report](#)

[Attachment A - Opioid Remediation Uses](#)

[Attachment B - Sample Participation Form](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-122](#)

- 10.8.** [ID-2021-498](#) Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2020-2021 (Charles S. Bryant)
Attachments: [Staff Report](#)
[Exhibit A - Impact Fee Annual Report FY 20-21](#)
[Draft Resolution](#)
[APPROVED Resolution No. 21-123](#)
- 10.9.** [ID-2021-524](#) Consideration of Accepting Funds and Executing Funding Agreements with the Alameda County Transportation Commission for Emery Go-Round FY 2021-23 and the 40th Street Transit-Only Lanes and Multimodal Enhancements Project. (Mohamed Alaoui / Ryan O'Connell)
Attachments: [Staff Report](#)
- 10.9.1** [ID-2021-526](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds And Execute Funding Agreement With The Alameda County Transportation Commission For Emery Go-Round Operating Expenses (FY2021-FY2023)
Attachments: [Draft Resolution – Emery Go-Round Operating Expenses](#)
[Attachment – Funding Agreement for Emery Go-Round Operating Expenses](#)
[APPROVED Resolution No. 21-124](#)
- 10.9.2** [ID-2021-527](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds And Execute Funding Agreement With The Alameda County Transportation Commission For The 40th Street Transit-Only Lanes And Multimodal Enhancements Project. (Mohamed Alaoui / Ryan O'Connell)
Attachments: [Draft Resolution – 40th Street Transit-Only Lanes and Multimodal Enhancements](#)
[Attachment – Funding Agreement for 40th Street Transit-Only Lanes and Multimodal Enhancements](#)
[APPROVED Resolution No. 21-125](#)

11. PUBLIC HEARINGS

- 11.1. [ID-2021-541](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Section 6-4.25, "Organics Reduction And Recycling", To The City Of Emeryville Municipal Code To Adopt By Reference Ordinance No. 2021-02, "Organics Reduction and Recycling Ordinance" ("ORRO") Of The Alameda County Waste Management Authority; Authorizing The Alameda County Waste Management Authority and Alameda County Department of Environmental Health To Enforce ORRO In The City Of Emeryville; And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement Of The ORRO; CEQA Determination: Exempt Pursuant to CEQA Guideline Section 15308. (Mohamed Alaoui / Nancy Humphrey / Matt Anderson)

Attachments: [Staff Report](#)

[Attachment A - Draft Ordinance](#)

[Exhibit 1](#)

[APPROVED Ordinance No. 21-008](#)

12. ACTION ITEMS

- 12.1. [ID-2021-495](#) 2023-2031 Housing Element (Charles S. Bryant / Chadrick Smalley / Navarre Oaks)

Attachments: [Staff Report](#)

[Attachment 1 - Presentation Slides](#)

13. DEPARTMENT HEAD REPORTS**14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS****15. ADJOURNMENT**

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2021-542](#) **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 Council meeting have been held remotely since March 17, 2020, and remain so in accordance with the Brown Act exemptions provided for by AB 361. 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 7, 2021 City Council Meeting

- Special Meeting: Certify Election Results, Install Newly Elected Council Member, Appoint Mayor/Vice Mayor, Administer Oaths
- Annual Council Actions: Set Meeting Calendar, Council Committee, Liaison and Regional Appointments, Standby Officers

December 21, 2021 City Council Meeting

- Public Hearing: Building Project- 1270 64th Street
- Public Hearing: Building Project - 1271 64th Street
- Committee Appointments: AC Mosquito Abatement, Budget Advisory Committee, Commission on Aging, Public Art Committee

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 TUESDAY, DECEMBER 7, 2021, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.