



CITY OF EMERYVILLE
AGENDA
City Council

Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
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(510) 450-7831 fax
www.emeryville.org

Members:

Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Courtney Welch

-- AMENDED --

Tuesday, January 18, 2022

7:16 PM

Teleconference

A complete copy of the agenda packet is available on the city's website at www.emeryville.org/citycouncil. 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 www.emeryville.org/citycouncil.

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 www.emeryville.org/notifyme. 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 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. 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/82087325888?pwd=QjZncWJZUDBCWWQ0Zk8wWWEvaXVOZz09>
Passcode: 970896*

*Or iPhone one-tap: +16699006833,,82087325888#,,,,*970896#*

Or Telephone: 669-900-6833

Webinar ID: 820 8732 5888

Passcode: 970896

International Phone Numbers: <https://emeryville-org.zoom.us/j/82087325888?pwd=QjZncWJZUDBCWWQ0Zk8wWWEvaXVOZz09>

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-2022-022](#) Warrants. (Brad Farmer)

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

- 10.2. [ID-2022-019](#) Action Minutes of the December 10, 2021 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.3. [ID-2022-020](#) Action Minutes of the December 21, 2021 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.4. [ID-2022-030](#) Action Minutes of December 21, 2021, City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.5. [ID-2022-035](#) Action Minutes of the January 4, 2022 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.6.** [ID-2022-008](#) Resolution of the City Council Of The City of Emeryville Authorizing The City Manager To Execute The Conveyance Agreement Between The City Of Emeryville ("City") And The City Of Emeryville As The Successor Agency To The Emeryville Redevelopment Agency ("Successor Agency") (1) To Transfer Platform Parcels 3 (portion of APN 049-1325-002) and 4 (APN 1325-001-04) and 59th Street Extension (portion of APN 049-1325-002) From The Successor Agency To The City And (2) To Assign To The City The Successor Agency's Right To Acquire The Station Parcel (APN 049-1325-001-2) To The City, And Authorizing the City Manager To Take Related Actions; CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3). (Andrea Visveshwara)
(In Conjunction With Successor Agency Agenda Item 6.5)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Conveyance Agreement](#)
[APPROVED Resolution No. 22-01](#)
- 10.7.** [ID-2022-062](#) Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For Succession Of Council Member Courtney Welch In The Event Of A Declared Emergency For Calendar Year 2022. (Sheri Hartz / Lorraine Leong)
Attachments: [Staff Report](#)
[Attachment - Government Code Sections 8635-8644](#)
[Draft Resolution](#)
[Exhibit A : Revised - 2022 City Council Emergency Standby Officers Roster](#)
[APPROVED Resolution No. 22-02](#)
- 10.8.** [ID-2022-004](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With David Paul Rosen And Associates To Provide Developer Selection, Negotiation And Closing Assistance Services Associated With The Christie Sites For A Total Contract Amount Not To Exceed \$150,000. (Charles S. Bryant / Chadrick Smalley)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Professional Services Contract](#)
[APPROVED Resolution No. 22-03](#)

- 10.9.** [ID-2022-005](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With PES Environmental, Inc. To Provide Environmental Consulting Services Associated With The Christie Sites For A Total Contract Amount Not To Exceed \$100,000. (Charles S. Bryant / Chadrick Smalley)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Professional Services Contract](#)
[APPROVED Resolution No. 22-04](#)
- 10.10.** [ID-2022-002](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids For The Construction Of The Annual Street Rehabilitation And Preventive Maintenance Project Fiscal Year 2021/2022, Project No. EPW-21102 (CIP No. 17240005); CEQA Determination: Exempt Pursuant to CEQA Guideline 15301(c). (Mohamed Alaoui / Ryan O'Connell)
- Attachments:** [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Project Overview Map](#)
[APPROVED Resolution No. 22-05](#)
- 10.11.** [ID-2022-001](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Fourth Amendment To The Professional Services Agreement With AECOM To Amend The Scope Of Work, To Increase The Total Compensation By An Additional \$64,635.00, For A Total Amount Not to Exceed \$434,066.00 And To Extend The Term Of Service To The Later Of Sixty Days After Council Acceptance Of Construction Or September 28, 2022 For Archeological Services For The South Bayfront Pedestrian Bicycle Bridge/Horton Landing Park Project, EPW 17-112 (CIP # 16475006 And CIP#17237003). (Mohamed Alaoui / Todd Teachout)
- Attachments:** [Staff Report](#)
[Original Professional Services Agreement](#)
[AECOM PSA 1st Amendment](#)
[AECOM PSA 2nd Amendment](#)
[AECOM PSA 3rd Amendment](#)
[Draft Resolution](#)
[AECOM PSA Proposed 4th Amendment](#)
[Exhibit A: AECOM 4th Amendment Workslope](#)
[APPROVED Resolution No. 22-06](#)

11. PUBLIC HEARINGS**12. ACTION ITEMS**

- 12.1.** [ID-2022-017](#) 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 Pursuant To AB 361. (Sheri Hartz)
(In Conjunction With MESA Agenda Item 7.1 And Successor Agency Agenda Item 7.1)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 22-07](#)
- 12.2.** [ID-2022-024](#) City Council Consideration of Survey Results and Direction Concerning Revenue Measure Development for Voter Consideration. (Christine Daniel / Sheri Hartz)
Attachments: [Staff Report](#)
[Attachment A: Survey Results Presentation](#)
- 12.3.** [ID-2022-006](#) Letter of Support, Update, and Review of the I-80/Ashby Avenue (Route 13) Interchange Improvements Draft Environmental Document (Mohamed Alaoui / Ryan O'Connell)
Attachments: [Staff Report](#)
[Exhibit A - Project Information and Map](#)
[Exhibit B -](#)
[Ashby Interchange Draft Environmental Document RPT_Dec2021](#)
[Exhibit C - Ashby Interchange DED Appendices RPT_Dec2021](#)
[Draft Letter of Support - Ashby Interchange Project](#)
[Draft Letter of Support - Ashby Interchange Project --REVISED--](#)
- 12.4.** [ID-2022-012](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Comprehensive Annual Financial Report And Associated Compliance Audit Reports And Auditor Correspondence For The Fiscal Year Ended June 30, 2021. (Christine Daniel)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment 1 - Comprehensive Annual Financial Report](#)
[Attachment 2 - Child Development Center Compliance Audit](#)
[Attachment 3 - Measure B Compliance Audit](#)
[Attachment 4 - Measure BB Compliance Audit](#)
[Attachment 5 - Vehicle License Fee Compliance Audit](#)
[Attachment 6 - Auditors Communication Letter](#)
[Attachment 7 - Auditors Memorandum on Internal Control](#)
[Attachment 8 - Appropriations Limit Calculation](#)
[APPROVED Resolution No. 22-08](#)

- 12.5.** [ID-2022-015](#) Discussion on Whether to Add A Future Agenda Item To Consider Directing Staff To Conduct A Tree Survey. (Mayor Bauters)

Attachments: [Staff Report](#)

- 12.6.** [ID-2022-014](#) Discussion on Whether to Fly The Pan-African Flag At City Hall Each Year In February In Recognition Of The Significance Of Black History Month. (Mayor Bauters)

Attachments: [Staff Report](#)

- 12.7.** [ID-2022-059](#) Resolution Of The City Council Of The City Of Emeryville Approving A Legal Services Agreement with Jarvis Fay & Gibson, LLP, for Interim City Attorney Services. (Mayor Bauters)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit 1: Legal Services Agreement for Interim City Attorney Services 1-7-22 \(003\)](#)

[APPROVED Resolution No. 22-09](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2022-025](#) **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.**

February 1, 2022 City Council Meeting

- Public Hearings for Cabaret License Approvals:
 - Bank Club
 - Oaks Card Club
 - Public Market
 - Rob Ben's
 - Trader Vic's

February 15, 2022 City Council Meeting

- *No Action Items currently scheduled.*

When published, the packets for City Council meetings can be viewed online at www.emeryville.org/citycouncil.

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, FEBRUARY 1, 2022, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.