



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

Tuesday, May 3, 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/84128646480?pwd=UWNGSG45bkFKVW1xc0trZGVwUEpGdz09>
Passcode: 006798

*Or iPhone one-tap: +16699006833,,84128646480#,,,,*006798#*

Or Telephone: 669-900-6833

Webinar ID: 841 2864 6480

Passcode: 006798

International Phone Numbers: <https://emeryville-org.zoom.us/j/84128646480>

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-2022-208](#) Warrants. (Brad Farmer)

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

- 10.2. [ID-2022-215](#) Action Minutes of the April 19, 2022 Special City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.3. [ID-2022-216](#) Action Minutes of the April 19, 2022 Special City Council Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.4.** [ID-2022-219](#) Action Minutes of April 19, 2022, City Council Regular Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
- 10.5.** [ID-2022-212](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute An Amendment To The Contract With Clifford Moss In An Amount Not To Exceed \$60,000 To Assess Possible Revenue Measure Opportunities For 2022. (Sheri Hartz)
Attachments: [Staff Report](#)
 [Clifford Moss Professional Services Contract](#)
 [Draft Resolution](#)
 [Clifford Moss Professional Services Contract 1st Amendment](#)
 [APPROVED Resolution No. 22-46](#)
- 10.6.** [ID-2022-211](#) Resolution Of The City Council Of The City Of Emeryville Acknowledging Receipt of The Report From The Alameda County Fire Department of Fire Inspections For The Calendar Year 2021. (Chief William McDonald)
Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Exhibit A: SB1205 Annual Report CY 2021](#)
 [APPROVED Resolution No. 22-47](#)
- 10.7.** [ID-2022-242](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Mayor To Sign A Letter Supporting The Extension And Expansion Of The California Cultural District Program. (Charles S. Bryant / Chadrick Smalley / Amber Evans)
Attachments: [Staff Report](#)
 [Attachment 1 - CAC Marketing Materials.pdf](#)
 [Attachment 2 - Coalition Letter.pdf](#)
 [Draft Resolution](#)
 [Exhibit A - Draft Support Letter](#)
 [APPROVED Resolution No. 22-48](#)

11. PUBLIC HEARINGS

- 11.1. [ID-2022-221](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2022-23. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)
[Draft Master Fee Schedule \(Redline\)](#)
[Draft Resolution](#)
[Exhibit A – FY 22-23 Proposed Master Fee Schedule \(Clean\)](#)
[APPROVED Resolution No. 22-49](#)

12. ACTION ITEMS

- 12.1. [ID-2022-238](#) Resolution Of The City Council Of The City Of Emeryville Amending The Budget For Fiscal Year 2021-22. (Brad Farmer)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Appendix A - FY 21-22 Proposed Budget Adjustments to the General Fund](#)
[Appendix B - FY 21-22 Proposed Budget Adjustments to Other Funds](#)
[APPROVED Resolution No. 22-50](#)

- 12.2. [ID-2022-239](#) Discussion of Preliminary Budget For FY 2022-2023. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)
[Preliminary FY 2022-23 Budget Summary](#)

- 12.3. [ID-2022-180](#) Discussion of Making COVID Parklets Permanent. (Charles S. Bryant)

Attachments: [Staff Report](#)
[Attachment 1 - Ordinance No 20-016 COVID Outdoor Dining](#)
[Attachment 2 - Sidewalk Cafe and Parklet Regulations](#)

- 12.4. [ID-2022-223](#) Resolution Of The City Council Of The City Of Emeryville Approving A Side Letter Of Agreement Between The City And The Emeryville Police Officers' Association (EPOA) Regarding A Memorandum Of Understanding (MOU) Extension. (Trish Raver)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A: EPOA MOU Extension Side Letter](#)
[APPROVED Resolution No. 22-51](#)

**12.5. [ID-2022-228](#) Labor Memorandum of Understanding Extensions: (Trish Raver)
(In Conjunction With MESA Agenda Item 7.1)**

Attachments: [Staff Report \(City\)](#)

**12.5.1. [ID-2022-229](#) Resolution Of The City Council Of The City Of Emeryville
Consenting To A Side Letter Of Agreement Between The City
And The Emeryville Association Of Confidential, Administrative,
Managerial And Professional (CAMP) Employees Regarding A
Memorandum Of Understanding (MOU) Extension**

Attachments: [Draft Resolution](#)

[Exhibit A: Side Letter of Agreement – CAMP MOU Extension](#)

[APPROVED Resolution No. 22-52](#)

**12.5.2. [ID-2022-230](#) Resolution Of The City Council Of The City Of Emeryville
Consenting To A Side Letter Of Agreement Between The
Management of Emeryville Services Authority And Service
Employees International Union, Local 1021 (SEIU) Regarding A
Memorandum Of Understanding (MOU) Extension**

Attachments: [Draft Resolution](#)

[Exhibit A: Side Letter of Agreement – SEIU MOU Extension](#)

[APPROVED Resolution No. 22-53](#)

**12.5.3. [ID-2022-231](#) Resolution Of The City Council Of The City Of Emeryville
Consenting To The Amendment To The MESA Pay And Benefits
Plan For Unrepresented Employees Effective May 3, 2022**

Attachments: [Draft Resolution](#)

[Exhibit A \(Red-Lined\): Unrepresented Pay and Benefits Plan](#)

[Exhibit A \(Final\): Unrepresented Pay and Benefits Plan](#)

[APPROVED Resolution No. 22-54](#)

**12.6 [ID-2022-210](#) 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 7.2 And Successor
Agency Agenda Item 7.1)**

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-55](#)

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2022-207](#) Planning Director's report on Planning Commission actions at the April 28, 2022 meeting:

- (a) EmeryStation Overland* Consideration of a Conditional Use Permit and Design Review Permit to construct a new 300,000 square foot Research and Development building and a six level parking structure accommodating approximately 495 parking spaces on an approximately 113,325 square foot site on the block bounded by Overland Avenue and 62nd, 63rd, and Hollis Streets. The proposal includes preservation of the existing Hollis Street Building that accommodates Ruby's Café and 41 live-work units, and demolition of all other structures on the western portion of the site.
- (b) 58Fifty Shellmound Life Sciences Tower. A third study session to review a proposed 14-story, 265-foot-high building accommodating 385,740 square feet of life science use ("Research and Development"), six townhouse residential units, and approximately 2,300 square feet of ground floor retail/amenity space at 5850 Shellmound Way. The project includes demolition of an existing 61,000 square foot office building.
- (c) Marketplace Redevelopment Project Parcels A, B and F. A study session to review a proposed amendment to the Planned Unit Development/Preliminary Development Plan for the Marketplace Redevelopment Project, an amendment to the associated Development Agreement, and a new Final Development Plan (FDP) for Parcels A and B along Shellmound Street between Shellmound Way and 63rd Street. The proposed FDP would include three buildings on Parcels A and B comprised of an eight-level 322,744 square foot Research and Development building, a four level, 83,434 square foot Research and Development building with 7,460 square feet of ground floor retail space, and a six-level parking garage accommodating 711 parking spaces.
- (d) Mass Timber. A study session to review a proposal to add a community benefits category to the Planning Regulations for the use of Mass Timber construction in place of traditional steel-and-concrete construction in order for a project to earn development bonus points.

* This project requires City Council approval, and is scheduled for consideration by the Council on May 17, 2022.

The packet for the April 28, 2022 Planning Commission meeting can be viewed online at [<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>](http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent)

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**15. ADJOURNMENT****LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2022-220](#) **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.**

May 17, 2022 City Council Meeting

- Study Session: 5850 Shellmound Life Science Tower
- Public Hearing: EmeryStation Overland

June 7, 2022 City Council Meeting

- Study Session: Housing Element Public Review Draft
- Proposed FY 22/23 Budget Approval
- Pro-Housing Policy
- Discussion of Whether to Change Community Advisory Committee Member Terms to Calendar Year Basis

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, MAY 17, 2022, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.