



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

--AMENDED--

Tuesday, June 7, 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/89920954055?pwd=a1RWcWgvQjhuZ0lYbDFqL1dyWTR0dz09>
Passcode: 960143

*Or iPhone one-tap: +16699006833,,89920954055#,,, *960143#*

Or Telephone: 669-900-6833

Webinar ID: 899 2095 4055

Passcode: 960143

International Phone Numbers: <https://emeryville-org.zoom.us/j/89920954055?pwd=a1RWcWgvQjhuZ0lYbDFqL1dyWTR0dz09>

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**
 - 4.1. [ID-2022-330](#) Proclaiming June 2022 As LGBTQI+ Pride Month In The City Of Emeryville. (Mayor John J. Bauters)
Attachments: [Proclamation](#)
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-2022-286](#) Warrants. (Brad Farmer)
Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
 - 10.2. [ID-2022-288](#) Action Minutes Of The May 17, 2022, Special Study Session. (Sheri Hartz)
Attachments: [Action Minutes](#)
 - 10.3. [ID-2022-290](#) Action Minutes Of The May 17, 2022, Regular City Council Meeting. (Sheri Hartz)
Attachments: [Action Minutes](#)
 - 10.4. [ID-2022-291](#) Action Minutes Of The May 17, 2022, Special City Council / Management of Emeryville Services Authority (MESA) Closed Session. (Sheri Hartz)
Attachments: [Action Minutes](#)

- 10.5.** [ID-2022-281](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Second Sight Video And Multimedia For Fiscal Years 2022-2023 And 2023-2024, To Provide Broadcasting, Recording And Related Services For A Total Amount Of \$96,000.00. (Sheri Hartz / Lorrayne Leong)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [Exhibit A - Professional Services Contract](#)
 [APPROVED Resolution No. 22-57](#)
- 10.6.** [ID-2022-297](#) Resolution Of The City Council Of The City Of Emeryville Establishing A Threshold For Reporting Leases In Accordance With Governmental Accounting Standards Board Statement No. 87. (Brad Farmer / Monica Centeno)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [Exhibit A - City Leases](#)
 [APPROVED Resolution No. 22-58](#)
- 10.7.** [ID-2022-280](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement With KBA Docusys To Extend The Lease Of Twelve Kyocera Multi-Function Printing Devices, Including All Service And Support For An Additional Twelve Months In The Amount \$4,548.00 Per Month Or \$54,576 Over The Course Of The Lease; And To Sign All Necessary Documents Pertaining To The Execution Of The Lease. (Michael Parenti)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [KBA Docusys Agreement](#)
 [APPROVED Resolution No. 22-59](#)
- 10.8.** [ID-2022-279](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Extend The Existing Agreement With TPx To Provide Fiber Internet Connectivity For An Additional Three Years In The Amount Of Ninety-Nine Thousand Seven Hundred And Twenty Dollars (\$99,720). (Michael Parenti)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [TPX Agreement](#)
 [APPROVED Resolution No. 22-60](#)

- 10.9.** [ID-2022-244](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With Kidango, Inc. In An Amount Not To Exceed \$88,000 For Fiscal Year To Provide Food Services At The Emeryville Child Development Center. (Pedro Jimenez / Quera Owens)

Attachments: [Staff Report](#)

[Request for Proposals - ECDC Vended Meals FY2022-23](#)

[Draft Resolution](#)

[Vended Meal Food Service Proposal 2022](#)

[Professional Services Contract](#)

[APPROVED Resolution No. 22-61](#)

- 10.10.** [ID-2022-268](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Execute And Enter Into An Agreement With The Emery Unified School District Consenting To Installation Of A Solar Project At Emery Center Of Community Life As Referenced In The Joint Occupancy Agreement, Attachment F, Section 10 And 6.1 To Annually Contribute To The Operations And Maintenance Budget. (Pedro Jimenez)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Agreement with Emery Unified School District](#)

[Late Correspondence: Draft Energy Service Agreement, Syserco and EUSD](#)

[APPROVED Resolution No. 22-62](#)

- 10.11.** [ID-2022-272](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Public Art Committee's Recommendation To Approve The Design Proposal By Guillaume Ollivier For The Public Art Mural Project At the Hollis Façade Of 1456 63rd Street, Authorizing The City Manager To Execute An Artist Agreement With Guillaume Ollivier 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 Klinknerville Court LLC And Guillaume Ollivier 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. 22-63](#)

- 10.12.** [ID-2022-282](#) Resolution Of The City Council Of The City Of Emeryville Prioritizing Upcoming Projects For Grant Applications; And Authorizing The City Manager To Submit Applications In Response To The California Transportation Commission's ATP Cycle 6 Call-For-Projects, Alameda County Transportation Commission's 2024 CIP Call For Projects, And Any Other Grant Opportunity That Arises In Fiscal Years 2022-2024 For The Prioritized Projects; And Authorize The Mayor To Write Letters In Support Of The Prioritized Projects. (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)

[Attachment A - ATP Cycle 6 Guidelines.pdf](#)

[Attachment B - ACTC 2024 CIP Guidelines.pdf](#)

[Attachment C - Grant Projects Priority Ranking.pptx](#)

[Draft Resolution](#)

[Late Correspondence - Supplemental Staff Report and Resolution.pdf](#)

[APPROVED Resolution No. 22-64](#)

- 10.13.** [ID-2022-307](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Eliminating Bicycle License And Registration Requirements In Sections 4-1.03 Through 4-1.05 Of Title 4 Of The Emeryville Municipal Code ("Bicycles"). (John Kennedy / Christie Crowl)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 22-002](#)

11. PUBLIC HEARINGS

12. ACTION ITEMS

- 12.1.** [ID-2022-273](#) Modifying Expiration Date Of Ordinance No. 20-016 Related To Expedited Permitting For Temporary Outdoor Seating For Restaurants And Bars During COVID-19 Pandemic: (Charles S. Bryant)

Attachments: [Staff Report](#)

[Attachment 1 - Ordinance No 20-016 COVID Outdoor Dining](#)

- 12.1.1.** [ID-2022-274](#) An Urgency Ordinance Of The City Council Of The City Of Emeryville Modifying The Expiration Date Of Ordinance No. 20-016 Related To Expedited Permitting For Temporary Outdoor Seating For Restaurants And Bars During COVID-19 Pandemic; CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3)

Attachments: [Proposed Urgency Ordinance](#)

[APPROVED Ordinance No. 22-003](#)

- 12.1.2. [ID-2022-275](#) An Ordinance Of The City Council Of The City Of Emeryville Modifying The Expiration Date Of Ordinance No. 20-016 Related To Expedited Permitting For Temporary Outdoor Seating For Restaurants And Bars During COVID-19 Pandemic; CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3)

Attachments: [Proposed Regular Ordinance](#)

- 12.2. [ID-2022-284](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Operating Budget For Fiscal Year 2022-23 ("Operating Budget"), And Appropriating Funds For Fiscal Year 2022-2023. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Proposed Fiscal Year 2022-23 Budget](#)

[APPROVED Resolution No. 22-65](#)

- 12.3. [ID-2022-269](#) Resolution Of The City Council Of The City Of Emeryville Adopting An Appropriations Limit For The 2022-23 Fiscal Year Of \$132,398,346. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Appendix A – Gann Appropriations Limit Calculation FY 2022-23](#)

[APPROVED Resolution No. 22-66](#)

- 12.4. [ID-2022-306](#) Discussion on Whether To Add A Future Agenda Item To Consider Amending The Rules Of Procedure For Local Boards, Committees And Commissions To Change The Terms Of Community Advisory Body Members To Align With The Calendar Year Rather Than The Fiscal Year. (Mayor Bauters)

Attachments: [Staff Report](#)

[Rules of Procedure Local Boards, Committees & Commissions](#)

- 12.5. [ID-2022-295](#) 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 6.2 And Successor Agency Agenda Item 7.2)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-67](#)

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2022-276](#) Planning Director's report on Planning Commission actions at the May 26, 2022 meeting:
- (a) Housing Element of the General Plan. A study session to review the draft 2023-2031 Housing Element of the General Plan.
 - (b) 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 a ten-level approximately 421,000 square foot Research and Development building, a pavilion building of about 3,000 square feet of ground floor retail space, and a six-level parking garage accommodating 711 parking spaces.
 - (c) The Lab Master Sign Program. Consideration of a Major Sign Permit for a Master Sign Program for multi-tenant and building signage for The Lab, located at 4383 Horton Street fronting Horton Street and Sherwin Avenue.*
 - (d) 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 496 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 block. The proposal also includes a Tree Removal Permit to remove 18 street trees located on 62nd Street, Overland Avenue and 63rd Street.**
 - (e) Mass Timber. Consideration of an amendment to Section 9-4.204(e) of the Planning Regulations to add a community benefits category 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.**

* Item subject to "call for review" (i.e. appeal) by motion of the City Council pursuant to Section 9-7.1406 of the Planning

Regulations.

** Items require City Council approval, and are scheduled for consideration by the Council on July 5, 2022.

The packet for the May 26, 2022 Planning Commission meeting can be viewed online at <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-2022-305](#) **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.**

June 21, 2022 City Council Meeting

- Annual Planning Commission & Community Advisory Committee Appointments
- Proclamation: June is Elder Abuse Awareness Month
- Affordable Housing Table

July 5, 2022 City Council Meeting

- Public Hearing: EmeryStation Overland
- Public Hearing: Mass Timber Construction
- Visual Arts Community Grant Pilot Awards

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, JUNE 21, 2022, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.