



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

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**Tuesday, September 6, 2022**

**7:16 PM**

**Teleconference**

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A complete copy of the agenda packet is available on the city's website at [www.emeryville.org/citycouncil](http://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](http://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](http://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](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/88068646352?pwd=OTROZnorTmxkSVNycVVJRUhyK1hOZz09>  
Passcode: 418112

*Or iPhone one-tap: +16694449171,,88068646352#,,, \*418112#*

*Or Telephone: 669-900-6833*

*Webinar ID: 880 6864 6352*

*Passcode: 418112*

*International Phone Numbers: <https://emeryville-org.zoom.us/u/kbBsSQ7um0>*

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-2022-443](#) Warrants. (Brad Farmer)  
**Attachments:** [Staff Report City](#)  
[Wire Transfers City](#)  
[Check Register City](#)
  - 10.2. [ID-2022-447](#) Action Minutes Of The July 19, 2022, Special City Council / MESA / City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Closed Session. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
  - 10.3. [ID-2022-450](#) Action Minutes Of The July 19, 2022, Regular City Council Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
  - 10.4. [ID-2022-453](#) Action Minutes Of The August 16, 2022, Special City Council Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
  - 10.5. [ID-2022-428](#) Appointments of Interim City Treasurer: (Trish Raver / Brad Farmer / /Monica Centeno)  
**Attachments:** [Staff Report](#)

- 10.5.1** [ID-2022-454](#) Resolution Of The City Council Of The City Of Emeryville Appointing Emily Plummer-Boyd As The Interim Finance Director And Interim City Treasurer Pursuant To Government Code Section 21221(H) Effective September 7, 2022
- Attachments:** [Draft Resolution](#)  
[Exhibit A](#)  
[APPROVED Resolution No. 22-112](#)
- 10.5.2** [ID-2022-455](#) Resolution Of The City Council Of The City Of Emeryville Appointing William Zenoni As The Interim Finance Director And Interim City Treasurer Pursuant To Government Code Section 21221(H) Effective October 17, 2022
- Attachments:** [Draft Resolution](#)  
[Exhibit A](#)  
[APPROVED Resolution No. 22-113](#)
- 10.6.** [ID-2022-436](#) Resolution Of The City Council Of The City Of Emeryville Authorizing Continued Investment In The Local Agency Investment Fund and Authorizing Certain City Officers Or Staff Members To Deposit Monies In Or Withdraw Monies From The Local Agency Investment Fund. (Brad Farmer / Peggy Xu / Monica Centeno)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 22-114](#)
- 10.7.** [ID-2022-433](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With HdL Companies For A Total Amount Not To Exceed \$165,000 For of Consulting Services Contract For Business License Tax Revenue Services For The City Of Emeryville During Fiscal Years 2022-2023, 2023-2024 And 2024-2025. (Brad Farmer/Monica Centeno)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Professional Services Contract](#)  
[Exhibit B - Request for Proposal \(RFP\)](#)  
[Exhibit C - HDL's response to RFP](#)  
[APPROVED Resolution No. 22-115](#)
- 10.8.** [ID-2022-429](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement With Xerillion Corporation To Provide File Migration Services and Microsoft Licensing In The Amount Of Eighty-Six Thousand Four Hundred Eighty-Seven Dollars (\$86,487). (Michael Parenti)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Professional Services Agreement](#)  
[Xerillion Price Sheet](#)  
[APPROVED Resolution No. 22-116](#)

- 10.9.** [ID-2022-442](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds And Execute Funding Agreement With The California Transportation Commission For The 40th Street Transit-Only Lanes And Multimodal Enhancements Project. (Mohamed Alaoui / Ryan O'Connell)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Master Agreement](#)  
[Exhibit B - Supplement Agreement](#)  
[APPROVED Resolution No. 22-117](#)

- 10.10.** [ID-2022-457](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adopting Emeryville Police Department Policy 707: Military Equipment. (Christie Cowl / Chief Jeff Jennings)

**Attachments:** [Staff Report](#)  
[Attachment A: April 19, 2022 Staff Report](#)  
[Draft Ordinance](#)  
[Exhibit A: Emeryville Police Department Policy Manual](#)  
[Exhibit B: AB 481 Inventory](#)  
[APPROVED Ordinance No. 22-006](#)

- 10.11.** [ID-2022-424](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Enter Into And Execute A Lease Disposition And Development Agreement Between The City Of Emeryville And EAH, Inc. And Related Ground Lease For The Development And Operation Of An Intergenerational Affordable Housing Project At 4300 And 4310 San Pablo Avenue, Emeryville, California (APN 049-1079-014-01 And 049-1079-017-01) And Authorizing The City Manager To Take Action To Effectuate The Lease Disposition and Development Agreement And Related Ground Lease (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Staff Report from July 19, 2022](#)  
[Proposed Ordinance](#)  
[Exhibit A - Lease Disposition and Development Agreement](#)  
[APPROVED Ordinance No. 22-007](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2022-445](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue A 2022 Annual Cabaret License To The Bureau of Emeryville, LLC dba The Bureau 510. (Oliver Collins)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A Conditions of Approval](#)  
[APPROVED Resolution No. 22-118](#)

## 12. ACTION ITEMS

- 12.1. [ID-2022-426](#) Resolution Of The City Council Of The City Of Emeryville Authorizing Submittal Of A Prohousing Designation Program Application To The California Department Of Housing And Community Development (Charles S. Bryant / Navarre Oaks)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Preliminary Prohousing Score Sheet](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 22-119](#)

- 12.2. [ID-2022-446](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Purchase Five 2023 F150 Lightning EV Trucks To Be Used For Emeryville Public Works Department In A Total Amount Not To Exceed \$273,904.45 From San Leandro Ford. (Pedro Jimenez / Mohamed Alaoui / Daniel Gonzales)

**Attachments:** [Staff Report](#)  
[Attachment A: Alameda County Master Contract #901979](#)  
[Attachment B: F150 Lightning Quote](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 22-120](#)

- 12.3. [ID-2022-267](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2022 Amendment Of The City Of Emeryville Conflict Of Interest Code. (Sheri Hartz)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Appendix A](#)  
[Appendix B Redline](#)  
[Appendix C Redline](#)  
[Form 804](#)  
[APPROVED Resolution No. 22-121](#)

- 12.4.** [ID-2022-422](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Section 2-2.201 Of Article 2 Of Chapter 2 Of Title 2 Of The Emeryville Municipal Code Regarding An Increase In City Council Member Salaries (Sheri Hartz)

**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)  
[CA Government Code Section 36516](#)

- 12.5.** [ID-2022-439](#) 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 6.1 And Successor Agency Agenda Item 7.1)**

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 22-122](#)

### 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2022-427](#) Planning Director's report on Planning Commission actions at the August 25, 2022 meeting:

(a) Marketplace Redevelopment Project Parcels A, B and F.

Consideration of an amendment to the Marketplace Redevelopment Project Planned Unit Development/Preliminary Development Plan (PUD/PDP) to transfer requirement for 10 townhome units from Parcel A (referred to as the "Shellmound Building" in the approved PUD/PDP) to Parcel F (referred to as "Retail Pad #1" in the approved PUD/PDP); and an amendment to the Development Agreement to allow for no residential development on Parcel A, and to provide for a monetary contribution of \$20 million to the City in lieu of providing 18 affordable housing units on Parcel A, and other related amendments.\*

(b) 1034, 1036, 1038 and 1042 47th Street Certificate of Compliance Appeal.

Consideration of an appeal of staff's determination that a Parcel Map, rather than a Certificate of Compliance, is the required legal method for creating four separate parcels for each of four existing houses at 1034, 1036, 1038 and 1042 47th Street. Pursuant to Planning Regulations Section 9-7.1404(b), the Planning Commission may either (1) affirm the decision of the Director and dismiss the appeal based on a determination that the facts ascertainable from the record do not warrant further hearing; (2) set a date for a public hearing on the appeal; or (3) remand the matter to the Director to cure a deficiency in the record or the proceedings.

\* Item requires City Council approval, and is scheduled for consideration by the Council on September 20, 2022.

The packet for the August 25, 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

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, SEPTEMBER 20, 2022, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.

## LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS



[ID-2022-461](#) **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.**

September 20, 2022

Public Hearing: Marketplace Parcels A, B, and F

- PUD Amendment Ordinance (1st Reading)
- Development Agreement Amendment Ordinance (1st Reading)

October 4, 2022

No items scheduled at this time; check back when September 20th agenda is posted.

When published, the packets for City Council meetings can be viewed online at [www.emeryville.org/citycouncil](http://www.emeryville.org/citycouncil).