

CITY OF EMERYVILLE MEMORANDUM



TO: Mayor and City Council
FROM: Patrick D. O’Keeffe, City Manager
SUBJECT: Progress Report –July 2011

The following provides the City Council and staff with a summary of the activities of each department for the prior month.

CITY MANAGER

- Staff continues to prepare for the November 8, 2011 General Municipal Election. Three City Council seats are up for election, with the nomination period for candidates starting at 9am., Monday, July 18 and ending 5pm, Friday, August 12 (however, if at least one of the incumbents does not file nomination papers by August 12, the nomination period for non-incumbents is extended to 5pm., Wednesday, August 17). In addition, the City Council placed two measures on the November 2011 ballot. One of the ballot measures would raise the business tax rate from 0.08% to 0.10% of gross receipts and the other proposed ballot measure would remove the existing maximum tax cap on gross receipts (currently businesses do not have to pay more taxes after the tax percentage of their gross receipts total \$117,088 – equating to gross receipts of roughly \$146 million). Under the City’s existing business license tax structure, businesses pay an annual minimum fee of \$25 which would remain unchanged (applies to businesses with gross receipts of \$31,250 or less). The City has approximately 2,200 licensed businesses that fall under the gross receipts category (another approximately 400 businesses are taxed under specific fees per category such as food trucks and contractors).

The business license tax generates approximately \$3.5 million annually. This revenue represents approximately 13% of the overall General Fund budget (excluding interfund transfers) and is one of the City’s top 5 revenue sources. If both proposed business license tax ordinance amendments are passed, it is estimated that the City would receive an additional \$916,000 per year, with approximately \$152,000 being generated by the elimination of the tax cap and

approximately \$764,000 being generated by raising the business license tax from 0.08% to 0.10%.

In addition, on July 15, the City Clerk's Office received a ballot initiative petition entitled Initiative Ordinance Amending Emeryville Municipal Code §2-1.302 to prohibit the Emeryville City Council from Employing a City Attorney and Subordinate Employees in the City Attorney's Office and Require the City Council by Contract to Designate a City Attorney or a Law Firm To Act as City Attorney that was certified by the Alameda County Registrar of Voters (ROV) on July 22. The City Council requested that the City Clerk prepare a report as outlined under Election Code 9212 regarding the proposed measures legal, fiscal, and operational issues for presentation to the City Council at the August 8, 2011 regular City Council meeting – the same meeting that the proposed ballot initiative will be submitted to the City Council for acceptance of the ROV's certification (August 8 was added to the schedule of regular City Council meetings at a special July 29 meeting). After accepting the ROV's certification, the City Council will have the option to enact the proposed initiative ordinance, place the initiative on the November 8, 2011 ballot, and take other actions that may arise out of the Election Code 9212 report. If the Council acts to place the initiative on the ballot, the Council may direct the City Clerk to prepare an impartial analysis of the initiative (usually the City Attorney's Office prepares an impartial analysis of ballot measures, however the Election Code states that if the subject of the ballot measure is the City Attorney or City Attorney's Office, then the City Clerk is responsible for preparing the impartial analysis).

- The City Manager participated in a meeting with our Public Works staff and our counterparts at the City of Berkeley with PG&E, to discuss the planned PGE test of the Hollis Street gas transmission line. This is a 30 inch line of the same size and vintage as the San Bruno line that exploded, and PGE wants to complete testing before the end of the year. We learned that such is test is complex: the line must be excavated at two ends, cut into to hook up the hydro test equipment, cleaned of water after the test, and reconnected. In the meantime PGE customers must be fed gas from other lines in the area or from CNG trucks. Since we have a number of larges lab gas users at Novartis and the Wareham Emery station campus, this alternate gas supply arrangement is critical to ensuring an uninterrupted supply. We are pleased that PGE is moving forward with this test of a major line that moves through the center of the community, but there will be construction noise and disruption that results. PGE will develop a public outreach and information program for businesses and residents in the affected area.
- Staff met with Tom Carlisle at Pixar and their construction contractor DPR to debrief about how the construction process went for the second building in regard to interactions with City Planning and Building staff. There are several areas that we are going to look into to try and make our review process less

complicated as a result of this information. Bottom line for Pixar, the project was finished on schedule even with the set back of an exceptionally wet winter. The new building not only looks great on the inside but the exterior grounds around it and the first building have been substantially upgraded in conjunction with the rehabilitation of the Semi – Freddy’s building.

- The City Clerk staff has been working on improving the City’s advisory committee process by developing a community outreach flyer; updating the City’s Administrative Instruction that clarifies staff roles and responsibilities; and developing standard templates for committee agendas, minutes, and appointment/thank you letters. The City Clerk’s Office plans to hold an Advisory Committee 101 workshop for committee secretary staff that will also include training on the City Council Chamber audiovisual equipment as well as protocols for after hour meetings in September.
- City Clerk staff continues to work on several organizational improvement projects, including the following: developing an “Emeryville 101” interactive workshop for City staff; developing an electronic tracking system for public records requests; expanding and improving the City’s community outreach initiatives and procedures; and converting the City’s paper-based records management system to an electronic-based system.
- The “2nd/4th Tuesday ENEWS, the City’s electronic newsletter was distributed on July 12 (the July 26 edition was postponed until August 2). The July 12 edition featured articles on a workshop regarding the City’s proposed Economic Development Strategy a workshop on the proposed Lawrence Berkeley Laboratory second campus; a workshop on the new private sewer lateral ordinance; free concert series sponsored by the City’s Recreation Department; and free concert series sponsored by the Friends of the Golden Gate Library and City of Emeryville. The newsletter also announced that the Emeryville Child Development Center was accepting applications for enrollment, and provided information on the Thursdays Emeryville Farmer’s Market adjacent to City Hall. Interested community members can read the electronic newsletter on-line from the City’s website: www.emeryville.org or subscribe and have the newsletter sent directly to their email address. Information on how to subscribe/unsubscribe is listed at the bottom of each ENEWS.