



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 Christian R. Patz
Vice Mayor Dianne Martinez
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Ally Medina

--AMENDED--

Tuesday, April 21, 2020

7:16 PM

Teleconference Meeting

A complete copy of the agenda packet is available on the city's website at <http://emeryville.org/88/video-agendas-reports-minutes-archive>. 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 <http://www.emeryville.org>.

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 <http://www.emeryville.org> and clicking on "Notify Me". 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 SHELTER IN PLACE ORDER
(effective 3/17/2020-5/3/2020):**

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20, a local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible only telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body during the current health emergency. As such, the City will provide various options for the public to participate in the conduct of the meeting remotely.

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 without attending a meeting in-person. Our City Council meetings are streamed live here and on Emeryville TV. Additionally, public comment for Council agenda items can be submitted online via our new online speaker card when an agenda is posted here. 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 rather than attending a meeting in person.

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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.

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. If you attend the meeting in person, any person who desires to address the City Council on any item listed on the Agenda under the Consent Calendar, or on a matter not on the Agenda which item is within the subject matter jurisdiction of the City Council, may do so during that portion of the Agenda called Public Comment.

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 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-2020-173](#) Warrants. (Susan Hsieh)

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

- 10.2. [ID-2020-169](#) Action Minutes of the April 7, 2020 Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.3. [ID-2020-171](#) Action Minutes of the April 7, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.4. [ID-2020-156](#) Resolution Of The City Council Of The City Of Emeryville Setting A Public Hearing Date Of May 5, 2020, At 7:16 p.m., To Be Held At City Hall, 1333 Park Avenue, Emeryville, Or Via Teleconference If Governor's Executive Order EO-N-29-20 Is Extended Past May 3, 2020, To Consider The Formation Of The North Hollis Underground Utility District For The Conversion Of Aerial To Underground Utilities In An Area Generally Located On Hollis Street From Approximately 45 Feet South Of 59th Street To Approximately 135 Feet North Of 67th Street; On 61st Street From Doyle Street To Hollis Street; And On 62nd Street From Hollis Street To Doyle Street (Michael Roberts-Public Works)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A: North Hollis UUD](#)

- 10.5.** [ID-2020-122](#) Resolution Of The City Council Of The City Of Emeryville Approving The Proposed SB 1 Project List And Appropriation For Fiscal Year 2020-2021. (Mary Grace Houlihan / Ryan O'Connell)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)
 [Exhibit A - 2020-2021 SB1 Project List](#)
- 10.6.** [ID-2020-176](#) Waste Management of Alameda County's Notice of Force Majeure And Ongoing Changes To Solid Waste, Recycling, And Composting Services In Emeryville. (Mary Grace Houlihan / Nancy Humphrey)
- Attachments:** [Staff Report](#)
 [March 22 Notice of Force Majeure](#)
 [April 3 Letter to WMAC](#)
 [April 10 Letter WMAC Response to City's Letter](#)
- 10.7.** [ID-2020-158](#) Ordinance Of The City Council Of The City Of Emeryville Amending Article 4 Of Chapter 4 Of The Planning Regulations To Eliminate The Minimum Parking Requirements And To Make Other Related Modifications To The Planning Regulations (CEQA Determination: Environmental Impact Report For General Plan Certified By The City Council On October 13, 2009) (Charles S. Bryant)
- Attachments:** [Staff Report](#)
 [Attachment 1 - Staff Report from April 7, 2020](#)
 [Proposed Ordinance](#)
 [Exhibit A - Planning Regulations Amendments](#)
- 10.8.** [ID-2020-181](#) An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 40 Of Title 5 Of The Emeryville Municipal Code "Residential Landlord and Tenant Relations" To Provide A Repayment Plan For Rent In Arrears To Residential Tenants Impacted By COVID-19 Emergency; CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3). (Michael Guina, Andrea Visveshwara).
- Attachments:** [Staff Report](#)
 [Draft Ordinance](#)
- 10.9.** [ID-2020-182](#) Resolution Of The City Council Of The City Of Emeryville Approving The Use Of Digital Signatures To Execute City Council Legislation And On Letters In Support Of Or Opposition To State Legislation. (Sheri Hartz)
- Attachments:** [Staff Report](#)
 [Draft Resolution](#)

- 10.10. [ID-2020-184](#) Proposed Letter to Alameda County Concerning CARES Funding. (Sheri Hartz)

Attachments: [Staff Report](#)

[Draft Letter](#)

11. PUBLIC HEARINGS

- 11.1. [ID-2020-157](#) Resolution Of The City Council Of The City Of Emeryville Establishing Updated Development Impact Fees For Fiscal Year 2020-2021 (Charles S. Bryant)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Development Impact Fees FY20-21](#)

- 11.2. [ID-2020-162](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2020-21. (Susan Hsieh)

Attachments: [Staff Report](#)

[Draft Master Fee Schedule - Redline Version](#)

[Draft Resolution](#)

[Exhibit A - Master Fee Schedule](#)

12. ACTION ITEMS

- 12.1. [ID-2020-164](#) Ordinances Related To A Moratorium On Evictions (Michael Guina)

Attachments: [Staff Report](#)

[Late Correspondence - Jonathan Singh](#)

- 12.1.1 [ID-2020-165](#) An Ordinance Of The City Council Of The City Of Emeryville Enacting A Temporary Moratorium On Residential and Commercial Evictions Due to Nonpayment Of Rent And Residential Foreclosures Initiated by Homeowner's Associations Where The Failure To Pay Rent Or Assessments Results From Income Loss Due To The Novel Coronavirus (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: [Draft Ordinance](#)

- 12.1.2** [ID-2020-166](#) An Urgency Ordinance Of The City Council Of The City Of Emeryville Enacting A Temporary Moratorium On Residential Evictions; And A Temporary Moratorium On Commercial Evictions Due to Nonpayment Of Rent And Residential Foreclosures Initiated by Homeowner's Associations Where The Failure To Pay Rent Or Assessments Results From Income Loss Due To The Novel Coronavirus (COVID-19) Pandemic; And Rescinding Ordinance No. 20-002. CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3)
Attachments: [Draft Urgency Ordinance](#)
- 12.2.** [ID-2020-163](#) An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 40 Of Title 5 Of The Emeryville Municipal Code "Residential Landlord And Tenant Relations" To Revise The Definition Of Covered Units; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3) (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)
Attachments: [Staff Report](#)
 [Proposed Ordinance](#)
 [Late Correspondence - Jeffrey De Puy](#)
 [Late Correspondence - Jeffrey De Puy](#)
- 12.3.** [ID-2020-175](#) Resolution Of The City Council Of The City Of Emeryville Approving Minor Scope Of Work Changes Described In Amendment Request Letter For The Quiet Zone Safety Engineering Measures Project; Approving Street Closure At 66th Street At-Grade Railroad Crossing. (Mary Grace Houlihan / Ryan O'Connell)
Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Exhibit A - Amendment Request Letter](#)
 [Exhibit B - Closure Study](#)
- 12.4.** [ID-2020-177](#) Presentation and Discussion on Legislative Priorities. (Christine Daniel)
Attachments: [Staff Report](#)
 [Attachment A: TPA State and Federal Legislative Update](#)
 [Attachment B: Funding for Housing, Rental Assistance and Homelessness](#)
 [Attachment C: TPA COVID-19 Weekly Updates, 3/2/20-4/10/20](#)
 [Attachment D: TPA COVID-19 Funding Matrix](#)

- 12.5.** [ID-2020-180](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute the First Amendment to the Agreement Between The City of Emeryville and The Alameda County Fire Department Regarding Fire and Emergency Services for The Term July 1, 2020 Through June 30, 2022. (Christine Daniel)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Fire Contract First Amendment](#)
 [FY 20-21 Budget](#)
 [2018 Agreement for Fire/Emergency Response Services](#)
 [Report: Quality of Services Provided, Station Location and Staffing](#)
 [GASB 45 Valuation](#)

- 12.6.** [ID-2020-160](#) Direction To Reinstate The Emeryville Poet Laureate Program. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

- 12.7.** [ID-2020-167](#) Resolution Of The City Council Of The City Of Emeryville Amending The 2020 City Council Regular Meeting Calendar. (Sheri Hartz / Lorryne Leong)

(In Conjunction with Successor Agency Agenda Item 7.1)

Attachments: [Staff Report](#)
 [Draft Resolution \(City Council\)](#)
 [Proposed Amended 2020 Calendar](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2020-179](#) **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 Hall has been closed since March 17, 2020, in accordance with the Governor's Executive Order, which currently runs through May 3, 2020. During this time, City Council and other public meetings have been conducted using teleconferencing. In the event there is an extension of the Shelter In Place order timeframe, meetings will continue to be held remotely, and as such, certain items may be postponed or cancelled. Please continue to check the final, published agenda for the latest information.

May 5, 2020 City Council Meeting

Public Hearing: Utility Undergrounding, Doyle-Hollis Park
Small Business Incentive Policies

May 19, 2020 City Council Meeting

Study Session: Unit Mix on High Rise Buildings
Committee Annual Reports to Council: B/PAC, Housing, Parks &
Rec, Budget Advisory
Public Art Mural Program Guidelines
Art Center Lease Disposition and Development Agreement
Report on Street Naming

When published, the packets for City Council meetings can be viewed online at

www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive.

THE NEXT REGULAR MEETING WILL BE ON MAY 5, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR TO BE HELD VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.