



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, June 16, 2020

7:16 PM

Teleconference

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
(to continue until further notice):**

Pursuant to California Governor Gavin Newsom's Executive Order N 29 20, 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 add link 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 add link. 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://zoom.us/j/99056755044?pwd=eEpSM3RjSWpVWVNxbjhNYkZDT3ZqUT09>

Password: 628089

Or iPhone one-tap :

US: +16699006833,99056755044#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833

Webinar ID: 990 5675 5044

Password: 628089

International numbers available: <https://zoom.us/u/actjznMTLZ>

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.

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-2020-253](#) Warrants. (Susan Hsieh)
Attachments: [Staff Report](#)
[Wire Transfers](#)
[Check Register](#)

- 10.2.** [ID-2020-247](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Sixth Amendment To The Professional Services Agreement For Audit Services With Lance, Soll & Lunghard, LLP, Increasing The Services Agreement Amount By \$116,070 To An Amount Not To Exceed \$1,222,663 For The Fiscal Year 2019-2020 Audit. (Susan Hsieh)
Attachments: [Staff Report](#)
[Initial Contract and Prior Amendments](#)
[Draft Resolution](#)
[Professional Services Contract - 6th Amendment](#)
[APPROVED Resolution No. 20-58](#)
- 10.3.** [ID-2020-246](#) Resolution of the City Council of the City of Emeryville Adopting the 2020 - 2021 Living Wage Rate Pursuant to the City of Emeryville's Living Wage Ordinance (Emeryville Municipal Code, Title 5, Chapter 31). (Trish Raver / Lori Elefant)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 20-59](#)
- 10.4.** [ID-2020-239](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Continued Participation Of The City Of Emeryville In The Alameda County Urban County For Community Development Block Grant Funds And Authorizing The Execution Of The Cooperation Agreement Between The City And County Of Alameda Regarding Participation In The Alameda County Urban County For Community Block Grant Program Funds (Charles S. Bryant / Chadrick Smalley / Valerie F. Bernardo)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Cooperation Agreement FY21-23](#)
[APPROVED Resolution No. 20-60](#)

- 10.5.** [ID-2020-269](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement By And Between The County Of Alameda And The City Of Emeryville For The Purpose Of Carrying Out The Community Development Block Grant Program For Fiscal Year 2020-21. (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - CDBG Annual Agreement](#)
[APPROVED Resolution No. 20-61](#)
- 10.6.** [ID-2020-218](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Second Amendment With DC Electric Group Inc. In The Amount Of \$113,363.08 For On-Call Maintenance For City Traffic Signals, Streetlights, And Safety Lighting Repair For A Total Contract Amount Not To Exceed \$319,299.50. (Mary Grace Houlihan / Ryan O'Connell).
Attachments: [Staff Report](#)
[DC Electric Contract \(Initial\)](#)
[DC Electric Contract First Amendment](#)
[Draft Resolution](#)
[DC Electric Second Amendment](#)
[Exhibit A-2](#)
[APPROVED Resolution No. 20-62](#)
- 10.7.** [ID-2020-222](#) Resolution Of The City Council Of The City Of Emeryville Appropriating In Fiscal Year 2019/2020 Amounts Of \$32,000 From Measure B - VLF (Fund #238); And Authorizing The City Manager To Enter Into A First Amendment Construction Contract With Ray's Electric In The Amount Of \$32,000.00 For A Total Contract Amount Not To Exceed \$751,500.00. (Mary Grace Houlihan / Ryan O'Connell)
Attachments: [Staff Report](#)
[Original Contract](#)
[Draft Resolution](#)
[First Amendment Contract - Ray's Electric](#)
[APPROVED Resolution No. 20-63](#)

- 10.8.** [ID-2020-259](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Second Amendment To The Maintenance Contract With Integrity Construction Maintenance Inc. Increasing The Contract Amount By \$80,000 To An Amount Not To Exceed \$480,000 For Facilities Maintenance Of City Owned Buildings through September 30, 2020. (Mary Grace Houlihan)

Attachments: [Staff Report](#)

[ICM Maintenance Services Contract 6 Months FY 19-20](#)

[Integrity Contract First Amendment](#)

[Draft Resolution](#)

[Integrity Second Amendment 2020-2021 FY for Maintenance 06-03-2020](#)

[APPROVED Resolution No. 20-64](#)

- 10.9.** [ID-2020-278](#) An Ordinance Of The City Council Of The City Of Emeryville To Require Landlords To Provide A Repayment Plan For Rent In Arrears To Commercial Food Establishments 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)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 20-012](#)

- 10.10.** [ID-2020-279](#) An Ordinance Of The City Council Of The City Of Emeryville Amending Section 5-40.03(e)(1)(i) Of The Emeryville Municipal Code, Which Requires Landlords 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)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 20-013](#)

11. PUBLIC HEARINGS

- 11.1. [ID-2020-248](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2020-21 Property And Business Improvement District (“PBID”) Annual Assessment Levy For The Respective Parcels Within The Improvement District With An Increase Of 3% On All Parcels, And Approving The Preliminary Budget Submitted By The Emeryville Transportation Management Association (“ETMA”) For Service Year 2021. (Susan Hsieh)

Attachments: [Staff Report](#)
[ETMA 2021 Preliminary Budget](#)
[ETMA 2019 Annual Report](#)
[ETMA 2014-2019 Ridership Report](#)
[Fiscal Year 2020-21 Preliminary Assessment Levy 3% Increase](#)
[Draft Resolution](#)
[APPROVED Resolution No. 20-65](#)

- 11.2. [ID-2020-212](#) Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 Of The Emeryville Municipal Code Regarding Bird-Safe Building Standards (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)
[November 5, 2019 Study Session Staff Report](#)
[Proposed Ordinance](#)

12. ACTION ITEMS

- 12.1. [ID-2020-270](#) 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). (Christine Daniel / Trish Raver)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Offer Letter](#)
[APPROVED Resolution No. 20-66](#)

- 12.2. [ID-2020-256](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Annual Statement Of Investment Policy And Delegation Of Authority To The Interim Finance Director/Treasurer. (Susan Hsieh)
Attachments: [Staff Report](#)
[Draft Investment Policy With Changes Shown](#)
[Draft Resolution](#)
[Investment Policy - Clean Version](#)
[APPROVED Resolution No. 20-67](#)
- 12.3. [ID-2020-257](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Investment Of City Monies In The Local Agency Investment Fund By Certain City Officers And Authorizing Them To Order The Deposit Or Withdrawal Of Monies In The Local Agency Investment Fund. (Susan Hsieh)
Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 20-68](#)
- 12.4. [ID-2020-240](#) Report To The City Council Of The City Of Emeryville Of Actions Taken By The Bicycle/Pedestrian Advisory Committee For Council Consideration. (Mary Grace Houlihan / Nancy Humphrey)
Attachments: [Staff Report](#)
[List of BPAC Motions January 2020-May 2020 \(1\).docx](#)
- 12.5. [ID-2020-241](#) Report On Third-Party Delivery Platform Commission Fee Limits (Charles S. Bryant / Chadrick Smalley)
Attachments: [Staff Report](#)
- 12.6. [ID-2020-242](#) Expediting Permitting For Temporary Outdoor Seating For Restaurants And Bars During COVID-19 Pandemic And Urging The County To Expedite Permits For Such Outdoor Seating (Charles S. Bryant)
Attachments: [Staff Report](#)
[Attachment 1 – State Guidance for Dine-In Restaurants](#)
[Attachment 2 - Temporary Use Permit Regulations](#)
[Attachment 3 - Sidewalk Cafe and Parklet Regulations](#)

- 12.6.1** [ID-2020-243](#) An Ordinance Of The City Council Of The City Of Emeryville Temporarily Waiving Or Modifying Certain Provisions Of The Planning Regulations Related To Outdoor Seating For Restaurants And Bars During The 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 Regular Ordinance](#)

- 12.6.2** [ID-2020-244](#) An Urgency Ordinance Of The City Council Of The City Of Emeryville Temporarily Waiving Or Modifying Certain Provisions Of The Planning Regulations Related To Outdoor Seating For Restaurants And Bars During The 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 Urgency Ordinance](#)

[APPROVED Ordinance No. 20-014](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2020-275](#) **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. During this time, City Council and other public meetings have been conducted using teleconferencing in accordance with the Order. 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.**

July 7, 2020 City Council Meeting

- Annual Regular Meetings For: Public Finance Authority, Community Development Commission and Management of Emeryville Services Authority (MESA)
- Resolution Calling Election - November 3, 2020
- Home Buyer and Rental Policies and Regulations
- Art Center Lease Disposition and Development Agreement
- Ped-Bike Plan RFP
- City Attorney Contract

July 21, 2020 City Council Meeting

- 4300 San Pablo Senior Housing Project - Exclusive Right to Negotiate
- State Legislative Update and Council Direction

PLEASE NOTE: The Emeryville City Council will not meet in Regular Session during the month of August 2020. The next Regular Meeting will be held on Tuesday, September 1, 2020.

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 JULY 7, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.