



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

--AMENDED--

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**Tuesday, July 21, 2020**

**7:16 PM**

**Teleconference**

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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](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://zoom.us/j/96894786721?pwd=MW5BZDJKWEgydWtuZUZiUENRdzJFZz09>  
Password: 628089

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Or iPhone one-tap :

US: +16699006833,,92014924507#,,,,0#,628089# or +13462487799,,92014924507#,,,,0#,628089#

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Or Telephone:

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

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592  
or +1 312 626 6799

Webinar ID: 968 9478 6721  
Password: 628089

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International numbers available: <https://zoom.us/j/96894786721?pwd=MW5BZDJKWEgydWtuZUZiUENRdzJFZz09>

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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.

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 special 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-2020-332](#) Warrants. (Bill Zenoni)**

**Attachments:** [Staff Report](#)  
[Wire Transfers](#)  
[Check Register](#)
  - 10.2. [ID-2020-342](#) Action Minutes of the July 7, 2020 Special Closed Session (City Council / Successor Agency). (Sheri Hartz)**

**Attachments:** [Action Minutes](#)

- 10.3. [ID-2020-343](#) Action Minutes of the July 7, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2020-295](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Donation Of The Art Work “Cleave” By Deceased Local Artist Joseph DiStefano From His Heir Diana Troy For Installation In City Hall (Charles S. Bryant / Chadrick Smalley / Amber Evans)  
**Attachments:** [Staff Report](#)  
[Attachment 1 - Joseph DiStefano Artwork](#)  
[Attachment 2 - Joseph DiStefano Resume](#)  
[Attachment 3 - Joseph DiStefano Obituary](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 20-76](#)
- 10.5. [ID-2020-297](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Third Amendment To The Professional Services Contract With Community Design + Architecture, For An Additional Amount Not To Exceed \$7,290 For The 40th And San Pablo Transit Hub Concept Design, For A Total Contract Amount Not To Exceed \$283,557 (Charles S. Bryant / Diana Keena)  
**Attachments:** [Staff Report](#)  
[Initial Contract plus Amendments](#)  
[Draft Resolution](#)  
[Professional Services Contract - 3rd Amendment.pdf](#)  
[APPROVED Resolution No. 20-77](#)
- 10.6. [ID-2020-329](#) Resolution Of The City Council Of The City Of Emeryville To Proclaim The Month Of July 2020 As “Parks Make Life Better!®” Month  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 20-78](#)

- 10.7. [ID-2020-325](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract In The Amount Of \$533,007 With Econolite Systems, Inc. For The City Of Emeryville Innovative Deployments To Enhance Arterials (IDEA) Deployment Project And To Take Further Action As Necessary To Implement The Project, Including Executing A Centracs Software License Agreement, Centracs Cloud Services Agreement, And Software Maintenance Agreement. (Mary Grace Houlihan / Ryan O'Connell)

**Attachments:** [Staff Report](#)

[Staff Report Attachment \(Econolite - Original Proposal\)](#)

[Draft Resolution](#)

[Professional Services Contract \(Econolite\)](#)

[Exhibit A \(Proposal-Scope of Work\)](#)

[Exhibit B \(Insurance Requirements\)](#)

[Exhibit C-1 \(FHWA Form 1273\)](#)

[Exhibit C-2 \(MTC Contract Requirements\)](#)

[Exhibit C-3 \(ACTC Contract Requirements\)](#)

[Exhibit C-4 \(LAPM Forms\)](#)

[Exhibit C-5 \(DBE and Prevailing Wage Determinations\)](#)

[APPROVED Resolution No. 20-79](#)

- 10.8. [ID-2020-326](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Maintenance Contract With Rubicon Landscape Corporation In An Amount Not To Exceed \$200,000 For City-Wide Landscape Maintenance For Fiscal Year 2020/21. (Mary Grace Houlihan)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Rubicon Landscape Contract FY20-21](#)

[APPROVED Resolution No. 20-80](#)

- 10.9.** [ID-2020-327](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Direct City Staffing Resources To The Project Development Process Of The Metropolitan Transportation Commission Project For Proposed Improvements To Bus Access From Powell Street Onto The I-80 Westbound On-Ramp. (Mary Grace Houlihan / Ryan O'Connell)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Project Alternatives](#)  
[APPROVED Resolution No. 20-81](#)

- 10.10.** [ID-2020-328](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To File An Application For Active Transportation Program "Quick-Build" Funding For The Shared Doyle Street Quick-Build Project. (Mary Grace Houlihan / Ryan O'Connell)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Project Area Map](#)  
[APPROVED Resolution No. 20-82](#)

- 10.11.** [ID-2020-365](#) Resolution Of The City Council Of The City Of Emeryville Assigning Oversight Duties of the City of Emeryville Transactions and Use Tax Ordinance to the Budget Advisory Committee (Michael Guina)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 20-83](#)

## 11. PUBLIC HEARINGS

No Public Hearing Items Listed.

## 12. ACTION ITEMS

- 12.1.** [ID-2020-345](#) Resolution Of The City Council Of The City Of Emeryville Appointing \_\_\_\_\_ As Resident To Serve On The Economic Development Advisory Committee For A Term Commencing Immediately And Ending June 20, 2022; And Amending The FY2020-21 Local Roster Of Boards, Commissions And Committee Accordingly. (Sheri Hartz / Lorryne Leong)
- Attachments:** [Staff Report](#)  
[Applicant: William Reuter](#)  
[Draft Resolution](#)  
[Economic Development Advisory Committee Roster](#)  
[APPROVED Resolution No. 20-84](#)
- 12.2.** [ID-2020-298](#) Resolution Of The City Council Of The City Of Emeryville Approving EAH Housing, Inc. As The First Choice Developer And Satellite Affordable Housing Associates As The Second Choice Developer For The Design And Development Of 4300 San Pablo Avenue As Senior Or Intergenerational Affordable Housing And Authorizing The City Manager To Execute An Exclusive Right To Negotiate Agreement With The Selected Developer For The 4300 San Pablo Avenue Affordable Housing Project (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)
- Attachments:** [Staff Report](#)  
[EAH Proposal](#)  
[SAHA Proposal](#)  
[EAH Responses to Questions](#)  
[SAHA Responses to Questions](#)  
[Draft Resolution](#)  
[Exhibit A - Exclusive Right to Negotiate Agreement](#)  
[Supplemental Memo - 4300 San Pablo Avenue](#)  
[APPROVED Resolution No. 20-85](#)
- 12.3.** [ID-2020-281](#) Resolution Of The City Council Of The City Of Emeryville Approving Program Guidelines For Below Market Rate Rental Residential Units (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - BMR Rental Program Guidelines](#)  
[APPROVED Resolution No. 20-86](#)

- 12.4.** [ID-2020-331](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Amend The Emeryville Center of Community Life Joint Occupancy Agreement With Emery Unified School District To Temporarily Expand Its Coverage To 1070 41st Street School Site Because Of The COVID-19 Pandemic (Pedro Jimenez)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)
- 12.5.** [ID-2020-361](#) Tenant Protection Ordinances To Mitigate Impacts From COVID-19. (Michael Guina)  
**Attachments:** [Staff Report](#)
- 12.5.1** [ID-2020-362](#) 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 A Temporary Moratorium On Residential Evictions By Homeowners Associations; CEQA Determination: Exempt Pursuant To California Public Resources Code Section 21080(b)(4) And State CEQA Guidelines Section 15269(c) And 15061(b)  
**Attachments:** [Draft Urgency Ordinance - Eviction Moratoria](#)  
[APPROVED Ordinance No. 20-017](#)
- 12.5.2** [ID-2020-364](#) Urgency 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:** [Draft Urgency Ordinance - Rent Repayment Program, Residential](#)  
[APPROVED Ordinance No. 20-018](#)
- 12.5.3** [ID-2020-363](#) Urgency 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:** [Draft Urgency Ordinance - Rent Repayment Program, Commercial Fo](#)  
[APPROVED Ordinance No. 20-019](#)



- 12.6.** [ID-2020-338](#) Resolution Of The City Council Of The City Of Emeryville Submitting To The Qualified Electors Of The City Of Emeryville At The General Municipal Election On November 3, 2020, A Proposed Ordinance To Impose A General Tax On Users Of Transportation Network Companies At A Rate Of 50 Cents For Private Trips And 25 Cents For Pooled Trips; Requesting The Alameda County Board Of Supervisors Permit Consolidation Of Said Ordinance With Statewide General Election To Be Held On The Same Date; Requesting That The County Registrar Perform Certain Election Services In Connection With Said Consolidated Election; And Authorizing The City To Reimburse The County Registrar Of Voters For Election Services Performed; Setting City Council Priority For Filing Written Argument; Directing The City Attorney To Prepare An Impartial Analysis; Authorizing The Filing Of Rebuttal Argument; CEQA Determination: Exempt Pursuant To CEQA Guidelines 15378(b)(4) And 15061(b)(3). [Michael Guina]

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: Proposed Tax Measure](#)

[Exhibit B: Transportation Network Company Trip Data](#)

[Late Correspondence - International Council on Clean Transportation](#)

[Late Correspondence - HopSkipDrive](#)

- 12.7.** [ID-2020-330](#) Designation Of Voting Delegate And Alternate(s) To The League Of California Cities Annual Conference. (Sheri Hartz)

**Attachments:** [Staff Report](#)

[Annual Conference Voting Produres](#)

[Voting Delegate Form](#)

### **13. DEPARTMENT HEAD REPORTS**

### **14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

### **15. ADJOURNMENT**

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## LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2020-358](#) **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. 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.**

August: There will be **no Regular City Council Meetings during the month of August**

September 1, 2020 City Council Meeting

- Study Session: 3600 San Pablo Avenue Affordable Housing Project
- Public Hearing: Ordinance 1st Reading: Planning Regulations - Cannabis
- 1st Reading: Car Share/Moped Share Ordinance
- Art Center Lease Disposition and Development Agreement

September 15, 2020 City Council Meeting

- Public Hearing: 47th Street Homes Project

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

[www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive](http://www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive).

THE NEXT REGULAR MEETING WILL BE ON SEPTEMBER 1, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.