



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

Tuesday, October 20, 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://emeryville-org.zoom.us/j/94051311257?pwd=NjZhL2habkRvSDZhZkc1cDIKNzBpUT09>
Passcode: 628089

Or iPhone one-tap :

US:

+16699006833,,94051311257#,,,,,0#,,628089#

or

+13462487799,,94051311257#,,,,,0#,,628089#

Or Telephone:

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

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

Webinar ID: 940 5131 1257

Passcode: 628089

International numbers available: <https://emeryville-org.zoom.us/j/94051311257?pwd=NjZhL2habkRvSDZhZkc1cDIKNzBpUT09>

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-2020-475](#)** Warrants. (Bill Zenoni)

Attachments: [Staff Report](#)
[Wire Transfers](#)
[Check Register](#)
 - 10.2. [ID-2020-470](#)** Action Minutes of October 6, 2020 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

- 10.3.** [ID-2020-473](#) Action Minutes of October 6, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)
 Attachments: [Action Minutes](#)
- 10.4.** [ID-2020-474](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Grant Agreement with the Emeryville Transportation Management Association For \$1 Million For The New Emery-Go-Round Shuttle Bus Yard. (Bill Zenoni)
 Attachments: [Staff Report](#)
 [ETMA Funding Request Letter](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 20-108](#)
- 10.5.** [ID-2020-459](#) Resolution Of The City Council Of The City Of Emeryville Approving Artists Archana Horsting, Lenore McDonald, Kazuko Watanabe, Joey Rose, Jessalyn Aaland, Nora Pauwels, Michael Murphy And Courtney Sennish For The Bus Shelter Temporary Art Program - Phase VI And Authorizing The City Manager To Execute Agreements With The Approved Artists For Final Design Of The Art Works In Amounts Not To Exceed \$4,000 For Each Artist (Charles S. Bryant / Chadrick Smalley / Amber Evans)
 Attachments: [Staff Report](#)
 [Attachment 1 - Art Work Imagery by Proposed Artists](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 20-109](#)
- 10.6.** [ID-2020-467](#) Resolution Of The City Council Of The City Of Emeryville Concluding The City's Contractual Obligations Related To A Right Of First Offer For Operation Of A Bike Share Program With Electric-Assist Bicycles. (Mary Grace Houlihan / Nancy Humphrey)
 Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Program Agreement](#)
 [First Amendment to the Program Agreement](#)
 [Coordination Agreement](#)
 [Draft Business Terms for Hybrid Bikes 1-24-20 Emeryville](#)
 [Bay Wheels Ebike Pricing Proposal - February 3, 2020](#)
 [East Bay Cities Initial Joint eBike Pricing Proposal 4 6 20](#)
 [East Bay Ebike Pilot Proposal - June 2 2020](#)
 [APPROVED Resolution No. 20-110](#)

11. PUBLIC HEARINGS

- 11.1. [ID-2020-468](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance to City of Emeryville And Ghilotti Construction Company For Work Related To The Assembly And Placement Of A 230 Foot Long Steel Arch Span Across Union Pacific Track Yard Near Ohlone Way As Part Of The South Bayfront Pedestrian Bicycle Bridge Project (CEQA Status Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3). (Mary Grace Houlihan / Todd Teachout)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 20-111](#)

12. ACTION ITEMS

- 12.1. [ID-2020-460](#) Resolution Of The City Council Of The City Of Emeryville Approving The Purchase Of Art Work For The City's Annual Purchase Award Program Entitled Stucked By Emeryville Artist Prabin Badhia With Funding Of Up To \$3,700 From The Public Art Fund (Fund 243) For The Purchase And Installation Of The Art Work And Acknowledging Aerial Landscapes By Judy Hart And Terrace Martin By Ronald Davis As First And Second Alternates, Respectively (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Attachment 1 - Art Work Images](#)
[Attachment 2 - Artists Biographies](#)
[Attachment 3 - Site Proposed for 2020 Purchase Award](#)
[Draft Resolution](#)
[APPROVED Resolution No. 20-112](#)

- 12.2. [ID-2020-464](#) COVID-19 Restaurant Delivery And Takeout Commission Fee Ordinance (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

- 12.2.1 [ID-2020-465](#) An Urgency Ordinance Of The City Council Of The City Of Emeryville Restricting Restaurant Delivery And Takeout Commissions, Charges And Fees During The COVID-19 Pandemic 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](#)
[APPROVED Ordinance No. 20-023](#)

- 12.2.2** [ID-2020-466](#) An Ordinance Of The City Council Of The City Of Emeryville Restricting Restaurant Delivery And Takeout Commissions, Charges And Fees During The COVID-19 Pandemic 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 Ordinance](#)

- 12.3.** [ID-2020-478](#) Resolution Allocating Up To \$5 Million of General Fund Unassigned Fund Balance As Needed To Close The Projected Deficit In Fiscal Year 2020-2021 And Directing Staff To Explore The Creation Of A Lighting And Landscaping Assessment District

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-113](#)

- 12.4.** [ID-2020-477](#) Discussion of East Bay Community Energy (EBCE) Brilliant 100 Options for 2021. (Vice Mayor Martinez)

Attachments: [Staff Report](#)

[September 25, 2020 Report to the East Bay Community Energy Executive Committee from Annie Henderson, VP Marketing and Account Services, titled "Brilliant 100 Options for 2021."](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2020-480](#) **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.**

November 17, 2020 City Council Meeting

- Study Session: CalCHA Moderate Income Housing Bond Program
- Public Hearing: Planning Regulations Amendment for ADUs
- Mural Program
- Car Share/Moped Share Ordinance
- City Council Rules of Procedure Update
- Committee/Commission Rules of Procedure Update

December 1, 2020 City Council Meeting

- Oaths of Office to Newly Seated Council Members
- Appointment of New Mayor and Vice Mayor
- Council Appointments to Local and Regional Seats, Council Liaisons, Standby Officers
- Adoption of 2021 Council Meeting Calendar
- Consideration Of Elimination Of Criminal Penalties From The Municipal Code

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 NOVEMBER 17, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.