



Emeryville City Hall
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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

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

--AMENDED--

Tuesday, July 21, 2020

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting was called to order at 7:18 p.m. In advance of this meeting, the Mayor read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor's Executive Order in response to the COVID-19 State of Emergency.

2. ROLL CALL

Present: 5 - Mayor Christian R. Patz
Vice Mayor Dianne Martinez
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Ally Medina

3. APPROVAL OF FINAL AGENDA

A motion was made by Council Member Bauters, seconded by Mayor Patz, to approve the Final Agenda amended to remove Item 12.4 from consideration. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

4. SPECIAL ORDERS OF THE DAY

No Special Orders were listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk made a brief announcement regarding the remaining vacancy to be filled.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Bauters reported that the Alameda County

Transportation Committee would be holding a briefing in the coming week to discuss the San Pablo Avenue Corridor Project. Mayor Patz reported having attended the Mayor's Conference, where the re-opening of the Oakland Zoo was a much-discussed topic, and stated that Council Member Medina had been reappointed to serve on the Economic Advisory Committee. He also reported having attended the Alameda County Housing Committee meeting, where he was re-elected as Vice President.

7. CITY MANAGER'S REPORT

City Manager Daniel provided an update on activities at City Hall, stating that, while it remained closed, a great deal of City business was still being conducted including issuance of business licenses and building permits. She expressed appreciation for the hard work of employees working remotely who were still able to complete projects and bring initiatives forward, and thanked the Council for its support during this difficult time for City operations.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported having had a meeting with Walton Jordan and Scott Johnson, EAH, regarding Item 12.2 and, related to Item 12.6, he reported discussions with Council President Kaplan from Oakland, Mayor Arreguin from Berkeley, and representatives from Uber, Lyft and the Center for Independent Living, the Bay Area Council and International Council on Clean Transportation. Council Member Medina reported having had the same contacts as Council Member Bauters related to Item 12.6.

Council Member Donahue reported having had communication with a lobbyist from the Bay Area Council, as well as having received numerous emails related to Item 12.6. Vice Mayor Martinez reported having received emails from the International Council on Clean Transportation, Hop-Skip-Drive and the Environmental Defense Fund. Mayor Patz disclosed having had the same contacts as reported by Council Member Donahue and Vice Mayor Martinez.

9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

1. Serena Wang spoke in opposition of Item 12.6, stating that adding the tax would negatively affect those with special needs who depend on transportation services.
2. Stella Ye also spoke in opposition of Item 12.6 for the same reasons.
3. Brian Hofer, Executive Director Secure Justice, asked that the City prioritize bringing forward an ordinance related to facial recognition

technology.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Donahue, seconded by Mayor Patz, to approve the Consent Agenda, with Council Member Donahue requesting to make brief comments related to Item 10.4. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

10.1. [ID-2020-332](#) Warrants. (Bill Zenoni)

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

A motion was made to accept this Informational Report.

10.2. [ID-2020-342](#) Action Minutes of the July 7, 2020 Special Closed Session (City Council / Successor Agency). (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2020-343](#) Action Minutes of the July 7, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the 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](#)

A motion was made to approve this Resolution. Council Member Donahue made brief remarks regarding the artist, the late Joseph DiStefano, in appreciation of his work and contributions

to the Emeryville artistic community.

Enactment No: 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](#)

A motion was made to approve this Resolution.

Enactment No: 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](#)

A motion was made to approve this Resolution.

Enactment No: 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 Centrac Software License Agreement, Centrac 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](#)**A motion was made to approve this Resolution.**

Enactment No: 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](#)**A motion was made to approve this Resolution.**

Enactment No: 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](#)**A motion was made to approve this Resolution.**

Enactment No: 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](#)

A motion was made to approve this Resolution.

Enactment No: 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](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-83

11. PUBLIC HEARINGS

No Public Hearings were 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 / Lorrayne Leong)

Attachments: [Staff Report](#)

[Applicant: William Reuter](#)

[Draft Resolution](#)

[Economic Development Advisory Committee Roster](#)

[APPROVED Resolution No. 20-84](#)

A motion was made by Council Member Donahue, seconded by Mayor Patz, to approve this Resolution appointing William Reuter to

the Economic Development Advisory Committee for a term commencing immediately through June 30, 2022. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

Enactment No: 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](#)

Community and Economic Development Coordinator Valerie Bernardo gave the staff presentation and responded to Council questions. Also presenting was Libby Seifel, an economic consultant, who addressed some of the financial considerations.

A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve this Resolution with direction to select EAH Housing, Inc. as the project developer and choosing Option 2. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

Enactment No: 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](#)

Ms. Bernardo made the staff presentation and responded to Council Member questions.

A motion was made by Council Member Bauters, seconded by Mayor Patz, to approve this Resolution as amended to include a provision that the City Manager be authorized to make an administrative adjustment to offer a 12-month lease renewal if that is allowable. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

Enactment No: 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](#)

This item was removed from consideration upon the request of staff.

- 12.5.** [ID-2020-361](#) Tenant Protection Ordinances To Mitigate Impacts From COVID-19. (Michael Guina)

Attachments: [Staff Report](#)

City Attorney Michal Guina gave the staff presentation and responded to Council Member questions.

A motion was made by Mayor Patz, seconded by Vice Mayor Martinez, to read by title only the three ordinances associated with Items 12.5.1, 12.5.2 and 12.5.3. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

- 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](#)

A motion was made by Council Member Medina, seconded by Council Member Donahue, to approve the adoption of this Ordinance. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

Enactment No: 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](#)

A motion was made by Council Member Medina, seconded by Council Member Bauters, to approve the adoption of this Ordinance. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

Enactment No: 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 Food](#)
[APPROVED Ordinance No. 20-019](#)

A motion was made by Council Member Bauters, seconded by Mayor Patz, to approve the adoption of this Ordinance. The motion carried by the following vote:

Ayes: 5 - Mayor Patz, Vice Mayor Martinez, Council Member Bauters, Council Member Donahue, and Council Member Medina

Enactment No: Ordinance No. 20-019

- 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 Procedures](#)
[Voting Delegate Form](#)

A motion was made by Mayor Patz, seconded by Council Member Medina, to nominate Council Member Bauters as the Voting Delegate for the League of California Cities Annual Conference. The motion carried by the following vote:

Ayes: 4 - Mayor Patz, Vice Mayor Martinez, Council Member Donahue, and Council Member Medina

Abstain: 1 - Council Member Bauters

- 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](#)

City Attorney Guina gave the staff presentation and responded to Council Member questions.

PUBLIC COMMENT

1. Malcolm McFarland, Community Organizer - Lyft, spoke in opposition to the tax, stating that engagement of public stakeholders had not been conducted, and that those who would be impacted should have an opportunity to participate in the discussion.

Council discussion ensued, and at length the Council decided to take no action on this item.

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

No requests were made for future agenda items.

15. ADJOURNMENT

The meeting was adjourned at 9:39 p.m., in memory of Joseph DiStefano.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council

/Sheri Hartz/
Sheri Hartz, City Clerk

DRAFT