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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

Tuesday, November 17, 2020

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:18 p.m. 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 Medina, seconded by Vice Mayor Martinez, to approve the Final Agenda, amended to continue Item 11.1, a Public Hearing on Shared Mobility Systems, to a future date. 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

City Clerk Hartz announced the upcoming recruitment to fill unexpected vacancies to the following Advisory Body seats: ACTC Paratransit Advisory and Planning Commission (PAPCO): resident;

Budget Advisory Committee: business representative; Commission on Aging: resident; Economic Development Advisory Committee: large business representative. She stated that applications were due by January 4, 2021 for appointments to be made at the February 2, 2021 Council meeting.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Mayor Patz reported on his attendance of the Mayors' Conference, stating that there had been a presentation given by a representative of BAAQMD and that the outgoing Mayors had made remarks to the group. He added that the recent Community Services events had both been great successes. Council Member Bauters thanked staff for the recent signal house rebuild which, if not completed, would have jeopardized an ACTC grant.

7. CITY MANAGER'S REPORT

City Manager Daniel added her praise for the Trunk or Treat and Drive-in Movie events and expressed her thankfulness for the work of the Council and City staff team.

8. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

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

Brian Donahue stated that the City was not enforcing the wearing of masks at construction job sites within the City.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve the Consent Agenda. 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-2020-532](#) Warrants. (Bill Zenoni)

Attachments: [Staff Report](#)

[Wire Transfers](#)

[Check Register](#)

A motion was made to accept this Informational Report.

10.2. [ID-2020-521](#) Action Minutes of October 20, 2020 Special Closed Session (City Council / Management of Emeryville Services Authority / City of

Emeryville as Successor Agency to the Emeryville Redevelopment Agency). (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2020-522](#) Action Minutes of October 20, 2020 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2020-523](#) Action Minutes of October 20, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2020-507](#) Annual Development Impact Fee Report - Fiscal Year 2019-2020. (Charles S. Bryant)

Attachments: [Staff Report](#)

[Attachment 1 - Public Facilities Funded by Development Impact Fees](#)

[Attachment 2 - Impact Fees Revenues, Expenditures, and Fund Balances - FY19-20](#)

[Attachment 3 - Impact Fee Budgets FY 19-21](#)

[Attachment 4 - Capital Improvement Project List FY19-21](#)

[Attachment 5 - City of Emeryville Development Impact Fees FY19-20](#)

A motion was made to accept this Informational Report.

- 10.6. [ID-2020-508](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Alta Planning + Design, Inc. To Prepare The Active Transportation Plan In An Amount Not To Exceed \$365,000 (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Attachment 1 - Request for Proposals](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 20-114](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-114

- 10.7. [ID-2020-509](#)** Resolution Of The City Council Of The City Of Emeryville Approving An Affordable Housing Agreement With Bayview Emeryville LLC, And Authorizing The City Manager To Enter Into Said Agreement On Behalf Of The City Of Emeryville, For The Incorporation Of Eight Below Market Rate Units For Very Low Income Households Within The Residential Rental Project At 6701 Shellmound Street, Pursuant To The Affordable Housing Program (Article 4 Of Chapter 5 Of Title 9 Of The Emeryville Municipal Code) (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Affordable Housing Agreement](#)

[APPROVED Resolution No. 20-115](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-115

- 10.8. [ID-2020-514](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Agreement With Crossroad Lab, For An Additional Amount Not To Exceed \$26,000 For On-Call Active Transportation Design Services, For A Total Contract Amount Not To Exceed \$70,000. (Mary Grace Houlihan / Ryan O'Connell)

Attachments: [Staff Report](#)

[Attachment A - Original Contract](#)

[Draft Resolution](#)

[First Amendment PSC - Crossroad Lab](#)

[APPROVED Resolution No. 20-116](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-116

- 10.9. [ID-2020-518](#)** Resolution Of The City Council Of The City Of Emeryville Confirming The Appointment Of Herman "Brad" Farmer AS City Treasurer. (Bill Zenoni)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-117](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-117

- 10.10. [ID-2020-519](#)** 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

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-118](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-118

10.11. [ID-2020-506](#)

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) (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Attachment 1 - Staff Report from October 20, 2020](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 20-024](#)

A motion was made to approve the second reading and adoption of this Ordinance.

Enactment No: Ordinance No. 20-024

11. PUBLIC HEARINGS

11.1. [ID-2020-515](#)

Shared Mobility Systems (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15301(c)) (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Attachment 1 - City Council December 5, 2017 Staff Report](#)

[Attachment 2 - Car Share Fee Calculation from City of Berkeley](#)

This item was continued to a future Council meeting, and referred to the Transportation Committee in the meantime.

PUBLIC COMMENT:

Brian Donahue again stated that the City was not enforcing the wearing of masks pursuant to the County health order.

- 11.1.1 [ID-2020-516](#) An Ordinance Of The City Council Of The City Of Emeryville Repealing, Replacing, And Retitling Chapter 13 Of Title 4 Of The Emeryville Municipal Code, "Shared Mobility Systems"

Attachments: [Proposed Ordinance](#)

- 11.1.2 [ID-2020-517](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2020-2021 Regarding Shared Mobility Systems

Attachments: [Draft Resolution](#)

[Exhibit A - Master Fee Schedule Amendment](#)

12. ACTION ITEMS

- 12.1. [ID-2020-510](#) COVID-Related Temporary Use Permits (Charles S. Bryant)

Attachments: [Staff Report](#)

[Attachment 1 - Temporary Use Permit Regulations](#)

Community Development Director Charles Bryant gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

Brian Donahue again stated that the City was not enforcing the wearing of masks at construction job sites.

- 12.1.1 [ID-2020-511](#) An Urgency Ordinance Of The City Council Of The City Of Emeryville Temporarily Waiving Or Modifying Certain Provisions Of The Planning Regulations Related To Temporary Use Permits For COVID-Related Uses; CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3)

Attachments: [Proposed Urgency Ordinance](#)

[APPROVED Ordinance No. 20-025](#)

A motion was made by Vice Mayor Martinez, seconded by Mayor Patz, to read the Ordinance by title only. 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. 20-025

A motion was made by Vice Mayor Martinez, seconded by Council Member Medina, 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. 20-025

- 12.1.2** [ID-2020-512](#) An Ordinance Of The City Council Of The City Of Emeryville Temporarily Waiving Or Modifying Certain Provisions Of The Planning Regulations Related To Temporary Use Permits For COVID-Related Uses; CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3)

Attachments: [Proposed Ordinance](#)

A motion was made by Vice Mayor Martinez, seconded by Council Member Medina, to read this Ordinance by title only. The motion carried by the following vote:

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

A motion was made by Vice Mayor Martinez, seconded by Council Member Medina, to approve the first reading and introduction 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

- 12.2.** [ID-2020-526](#) Consideration Of Request By Successor Agency to Emeryville Redevelopment Agency For Short-Term Loan And Terms Thereof From the City of Emeryville To Be Used By Successor Agency For Costs Incurred In Response To Imminent And Substantial Endangerment Determination And Order and Remedial Action Order Issued By the California Environmental Protection Agency, Department of Substances Control Related To The Presence Of Hazardous Substances at the Marchant/Whitney Site, 5679 Horton Street, Emeryville, California. (Michael Guina)

Attachments: [Staff Report](#)

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

PUBLIC COMMENT

Brian Donahue spoke in opposition to the project, stating that it would potentially release toxins.

A motion was made by Council Member Bauters, seconded by Council Member Medina, to direct staff to come back to a future Council meeting with an agreement for a loan as outlined in the report. The motion carried by the following vote:

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

- 12.3.** [ID-2020-384](#) Resolution Of The City Council Of The City Of Emeryville Approving Program Guidelines For The Public Art Mural Program (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Proposed Public Art Mural Program Guidelines](#)

[APPROVED Resolution No. 20-119](#)

Emi Theriault, Community and Economic Development Coordinator II, gave the staff presentation and responded to Council Member questions.

A motion was made by Mayor Patz, seconded by Council Member Donahue, to approve this Resolution. 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. 20-119

- 12.4.** [ID-2020-513](#) Regional Housing Needs Allocation (RHNA) (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Attachment 1 - ABAG Housing Methodology Committee Report](#)

[Attachment 2 - Alameda County Mayors Alternative Methodology](#)

Director Bryant gave the staff presentation and responded to Council Member questions.

PUBLIC COMMENT

Brian Donahue stated that the RHNA calculation does not reflect prior numbers of housing already implemented.

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Bauters asked whether a discussion on honoring former Council Member Nora Davis could be brought forward. It was noted that the Commission on Aging was undertaking such a discussion and would come forward with recommendations.

15. ADJOURNMENT

The meeting adjourned at 8:49 p.m.

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