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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, May 5, 2020

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting convened via teleconference at 7:25 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

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that the annual recruitment to fill expired terms was underway and that applications were due by May 25, 2020.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Medina reported that she had participated in a call with the East Bay EDA and the Department of Public Health. Council Member Bauters announced that, at the upcoming ACTC General Meeting, an item would be considered to waive for small cities the 20 to 30% match required for shovel-ready projects. Mayor Patz announced that he had been on a call with the mayors of

Representative Barbara Lee's district, and that she was making sure that stimulus funds were making their way to smaller cities.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Council Member Donahue reported having met with Greg Harper regarding Item 11.1; Council Member Medina stated that she had received comments from the public regarding Item 12.2 and had conversations with local business owners regarding Item 12.1; Council Member Bauters reported having received emails related to Item 11.1, having conversations with local restaurateurs regarding Item 12.1 and conversations with workers at local food sales establishments regarding Item 12.3. Vice Mayor Martinez stated that she had received the same emails related to Item 11.1 that had been recorded as late correspondence, as did Mayor Patz.

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

There were no comments made.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Medina, seconded by Council Member Donahue, 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-2020-188](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

10.2. [ID-2020-191](#) Action Minutes of the April 21, 2020 Emeryville City Council / Management of Emeryville Services Authority Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2020-192](#) Action Minutes of the April 21, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2020-187](#) An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 40 Of Title 5 Of The Emeryville Municipal Code “Residential Landlord And Tenant Relations” To Revise The Definition Of Covered Units; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3) (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Attachment 1 - Staff Report from April 21, 2020](#)

[Proposed Ordinance](#)

[APPROVED Ordinance No. 20-009](#)

A motion was made to approve this Ordinance.

Enactment No: ORD 20-002

11. PUBLIC HEARINGS

- 11.1.** [ID-2020-183](#) Public Hearing in Accordance With Chapter 4 Of Title 7 Of The Emeryville Municipal Code Regarding Underground Utility Facilities To Consider The Formation Of The North Hollis Underground Utility District For The Conversion Of Aerial To Underground Utilities In An Area Generally Located On Hollis Street From Approximately 45 Feet South Of 59th Street To Approximately 135 Feet North Of 67th Street; On 61st Street From Doyle Street To Hollis Street; And On 62nd Street From Hollis Street To Doyle Street.

Resolution Of The City Council Of The City Of Emeryville Declaring The Formation Of The North Hollis Underground Utility District For The Conversion Of Aerial To Underground Utilities In An Area Generally Located On Hollis Street From Approximately 45 Feet South Of 59th Street To Approximately 135 Feet North Of 67th Street; On 61st Street From Doyle Street To Hollis Street; And On 62nd Street From Hollis Street To Doyle Street. (Michael Roberts)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: North Hollis UUD](#)

[Exhibit B: North Hollis UUD - GP Utility UG Progress](#)

[Late Correspondence - Schmidt Cerf Real Estate Partnership](#)

[Late Correspondence - Nicoley Collins](#)

[APPROVED Resolution No. 20-40](#)

Senior Civil Engineer Michael Roberts gave the staff presentation and responded to Council Member questions.

PUBLIC HEARING OPEN: 7:42 p.m.

Greg Harper, via online speaker comment card, stated that the item should be continued to allow time for the Council Members to review a League of California Cities resolution that recommended the reallocation of Rule 20A funds to Very High Fire Severity Zones, and further stated that undergrounding of utilities in Emeryville would be merely for beautification and would be more costly than reported.

PUBLIC HEARING CLOSED: 7:45 p.m.

A motion was made by Council Member Bauters, seconded by Vice Mayor Martinez, 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: 19-04

12. ACTION ITEMS

- 12.1.** [ID-2020-186](#) Resolution Of The City Council Of The City Of Emeryville Approving Revision Of The Business License Tax And Fire Inspection Fee Rebate Program To Expand The Program To Cabaret License Fees And Sidewalk Sign Permit Fees And To Add Bars/Nightclubs/Lounges With 12 Or Fewer Locations As Eligible Businesses To Receive Rebates (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Attachment 1 - Business Incentive Framework](#)

[Attachment 2 - Eligible Business List](#)

[Draft Resolution](#)

[Exhibit A - Rebate Program Guidelines - Redline](#)

[APPROVED Resolution No. 20-41](#)

Economic Development Manager Chad Smalley gave the staff report and responded to Council Member questions.

A motion was made by Council Member Donahue, seconded by Council Member Bauters, 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: 19-03

- 12.2.** [ID-2020-195](#) Update On Doyle Street Temporary Traffic Modifications Made To Accommodate Safe Social Distancing Along The Emeryville Greenway During The COVID-19 Pandemic Event. (Mary Grace Houlihan)

Attachments: [Staff Report](#)

City Manager Christine Daniel gave the presentation and, along with Public Works Director Mary Grace Houlihan responded to Council Member questions.

- 12.3.** [ID-2020-193](#) Discussion On Requesting Additional Protocols And Protections For Workers Of Essential Businesses Providing Retail Services. (Sheri Hartz)

Attachments: [Staff Report](#)

Council Member Bauters, having placed this item on the agenda for discussion, explained to the Council his proposal to send a letter to the Alameda County Board of Supervisors and Public Health Director Erica Pan requesting additional protections for workers at essential businesses. He proposed that one letter be sent by the Mayor on behalf of the entire Council, and that a second letter, to be circulated by the Council Member, would be signed onto by assorted Alameda County Council Members. He received majority support for sending the two letters.

13. DEPARTMENT HEAD REPORTS

- 13.1.** [ID-2020-161](#) Planning Director's report on Planning Commission actions at the April 23, 2020 meeting:

- (a) BMR Emeryville Center of Innovation. A second study session to review a proposal for a Final Development Plan to construct two new multi-tenant research and development buildings and a supporting parking garage as part of implementation of the Emeryville Life Sciences Center Planned Unit Development/Preliminary Development Plan (PUD/PDP), also referred to as the "Chiron PUD/PDP" (PUD 93-2), that was approved by the City Council on August 15, 1995.
- (b) Adeline Springs Extension Request. Consideration of a request for a second one-year extension of a Conditional Use Permit and Design Review permit that was approved by the Planning Commission on March 22, 2018 to demolish an existing 5,866 square foot building ("U.S. Spring") and construct a new, five story building that will accommodate 29 rental residential units and 4 to 6 live-work units on a 12,528 square foot parcel located at 3637 Adeline Street. The Commission approved the first one-year extension on March 28, 2019.
- (c) Public Market Master Sign Program. Consideration of a Major Sign Permit for a Master Sign Program for the Public Market along Shellmound Street between Shellmound Way and 63rd Street, including adjacent portions of 62nd Street and an interior courtyard.
- (d) Floor Area Ratio Increase. Consideration of a Major Conditional Use Permit to add 449 square foot of floor area to an existing mezzanine to expand an existing office use at 1375 55th Street.
- (e) Bird-Safe Building Standards. Consideration of a proposed ordinance amending the Planning Regulations in Title 9 of the Emeryville Municipal Code by adding Article 8 to Chapter 4, and amending Article 7 of

Chapter 4, regarding bird-safe building design.

The packet for the April 23, 2020 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Community Director Bryant gave the Planning Director's report.
Council Member Bauters recused himself from discussion of item 13.1.a due to the proximity of his residence to the project area.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Bauters requested and received majority support for an item to be placed on the June 2, 2020 City Council meeting agenda to consider an ordinance to offer a commercial lease repayment program for small businesses and food establishments suffering the loss of revenue due to the COVID-19 health emergency.

15. ADJOURNMENT

The meeting was adjourned at 8:38 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