



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, June 16, 2020

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting was called to order at 8:10 p.m.

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 Donahue, seconded by Mayor Patz, to approve the Final 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

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

No announcement was made.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Medina reported on having attended the ABAG General Meeting where the main topic was increasing dues. Mayor Patz reported on the Mayors' Conference, where many good conversations were had on recent events and moving communities forward.

7. CITY MANAGER'S REPORT

City Manager Daniel reported that ECDC had reopened following completion of the roof repair project, and that approximately 25 kids were in attendance.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported that, regarding Item 11.2, he had worked with Noreen Weeden and others at the Audobon Society over the course of the project, and, related to Item 12.6, he had been in communication with representatives from Rudy's Can't Fail Cafe, the Doyle Street Cafe, Trader Vic's, Prizefighter and the Public Market.

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 Mayor Patz, 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-2020-253](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

10.2. [ID-2020-247](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Sixth Amendment To The Professional Services Agreement For Audit Services With Lance, Soll & Lunghard, LLP, Increasing The Services Agreement Amount By \$116,070 To An Amount Not To Exceed \$1,222,663 For The Fiscal Year 2019-2020 Audit. (Susan Hsieh)

Attachments: [Staff Report](#)
[Initial Contract and Prior Amendments](#)
[Draft Resolution](#)
[Professional Services Contract - 6th Amendment](#)
[APPROVED Resolution No. 20-58](#)

A motion was made to accept this Resolution.

Enactment No: Resolution No. 20-58

- 10.3. [ID-2020-246](#) Resolution of the City Council of the City of Emeryville Adopting the 2020 - 2021 Living Wage Rate Pursuant to the City of Emeryville's Living Wage Ordinance (Emeryville Municipal Code, Title 5, Chapter 31). (Trish Raver / Lori Elefant)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-59](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-59

- 10.4. [ID-2020-239](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Continued Participation Of The City Of Emeryville In The Alameda County Urban County For Community Development Block Grant Funds And Authorizing The Execution Of The Cooperation Agreement Between The City And County Of Alameda Regarding Participation In The Alameda County Urban County For Community Block Grant Program Funds (Charles S. Bryant / Chadrick Smalley / Valerie F. Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Cooperation Agreement FY21-23](#)

[APPROVED Resolution No. 20-60](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-60

- 10.5. [ID-2020-269](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement By And Between The County Of Alameda And The City Of Emeryville For The Purpose Of Carrying Out The Community Development Block Grant Program For Fiscal Year 2020-21. (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - CDBG Annual Agreement](#)

[APPROVED Resolution No. 20-61](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-61

- 10.6. [ID-2020-218](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Second Amendment With DC Electric Group Inc. In The Amount Of \$113,363.08 For On-Call Maintenance For City Traffic Signals, Streetlights, And Safety Lighting Repair For A Total Contract Amount Not To Exceed \$319,299.50. (Mary Grace Houlihan / Ryan O'Connell).

Attachments: [Staff Report](#)

[DC Electric Contract \(Initial\)](#)

[DC Electric Contract First Amendment](#)

[Draft Resolution](#)

[DC Electric Second Amendment](#)

[Exhibit A-2](#)

[APPROVED Resolution No. 20-62](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-62

- 10.7. [ID-2020-222](#) Resolution Of The City Council Of The City Of Emeryville Appropriating In Fiscal Year 2019/2020 Amounts Of \$32,000 From Measure B - VLF (Fund #238); And Authorizing The City Manager To Enter Into A First Amendment Construction Contract With Ray's Electric In The Amount Of \$32,000.00 For A Total Contract Amount Not To Exceed \$751,500.00. (Mary Grace Houlihan / Ryan O'Connell)

Attachments: [Staff Report](#)

[Original Contract](#)

[Draft Resolution](#)

[First Amendment Contract - Ray's Electric](#)

[APPROVED Resolution No. 20-63](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-63

- 10.8. [ID-2020-259](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Second Amendment To The Maintenance Contract With Integrity Construction Maintenance Inc. Increasing The Contract Amount By \$80,000 To An Amount Not To Exceed \$480,000 For Facilities Maintenance Of City Owned Buildings through September 30, 2020. (Mary Grace Houlihan)

Attachments: [Staff Report](#)
[ICM Maintenance Services Contract 6 Months FY 19-20](#)
[Integrity Contract First Amendment](#)
[Draft Resolution](#)
[Integrity Second Amendment 2020-2021 FY for Maintenance 06-03-2020](#)
[APPROVED Resolution No. 20-64](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-64

- 10.9.** [ID-2020-278](#) An 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: [Staff Report](#)
[Draft Ordinance](#)
[APPROVED Ordinance No. 20-012](#)

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

Enactment No: Ordinance No. 20-012

- 10.10.** [ID-2020-279](#) An 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: [Staff Report](#)
[Draft Ordinance](#)
[APPROVED Ordinance No. 20-013](#)

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

Enactment No: Ordinance No. 20-013

11. PUBLIC HEARINGS

- 11.1.** [ID-2020-248](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2020-21 Property And Business Improvement District

("PBID") Annual Assessment Levy For The Respective Parcels Within The Improvement District With An Increase Of 3% On All Parcels, And Approving The Preliminary Budget Submitted By The Emeryville Transportation Management Association ("ETMA") For Service Year 2021. (Susan Hsieh)

Attachments: [Staff Report](#)

[ETMA 2021 Preliminary Budget](#)

[ETMA 2019 Annual Report](#)

[ETMA 2014-2019 Ridership Report](#)

[Fiscal Year 2020-21 Preliminary Assessment Levy 3% Increase](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-65](#)

Council waived staff's presentation on this item.

PUBLIC HEARING OPEN: 8:16 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 8:17 p.m.

A motion was made by Council Member Donahue, seconded by Council Member Medina, 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. 20-65

- 11.2.** [ID-2020-212](#) Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 Of The Emeryville Municipal Code Regarding Bird-Safe Building Standards (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[November 5, 2019 Study Session Staff Report](#)

[Proposed Ordinance](#)

Planner Diana Keena gave the presentation and responded to Council Member questions.

PUBLIC HEARING OPEN: 8:23 p.m.

1. Noreen Weeden, Golden Gate Audubon, had previously submitted comments in favor of the project which were read into the record by the City Clerk.

PUBLIC HEARING CLOSED: 8:26 p.m.

A motion was made by Council Member Bauters, 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

A motion was made by Council Member Bauters, seconded by Mayor Patz, to approve the first reading of the 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. ACTION ITEMS

- 12.1. [ID-2020-270](#) Resolution Of The City Council Of The City Of Emeryville Appointing William Zenoni As The Interim Finance Director and Interim City Treasurer Pursuant To Government Code Section 21221(h). (Christine Daniel / Trish Raver)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Offer Letter](#)

[APPROVED Resolution No. 20-66](#)

City Manager Daniel announced the resignation of Finance Director Susan Hsieh to accept a position with the City of San Leandro. She stated that, with Ms. Hsieh's departure, it was necessary to appoint an Interim Finance Director and also take the next two actions to grant the appointee with the appropriate authorizations.

A motion was made by Council Member Medina, 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. 20-66

- 12.2. [ID-2020-256](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Annual Statement Of Investment Policy And Delegation Of Authority To The Interim Finance Director/Treasurer. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Investment Policy With Changes Shown](#)
[Draft Resolution](#)
[Investment Policy - Clean Version](#)
[APPROVED Resolution No. 20-67](#)

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

A motion was made by Mayor Patz, seconded by Vice Mayor Martinez, to approve the Resolution as amended to include the Interim Finance Director's name. 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. 20-67

- 12.3.** [ID-2020-257](#) 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. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 20-68](#)

Ms. Hsieh gave a brief explanation of the item and recommended approval.

Following discussion on the item, the Mayor and Council Members expressed their appreciation to Ms. Hsieh for her work for the City.

A motion was made by Mayor Patz, seconded by Council Member Medina, to adopt the Resolution as amended to add the name of the Interim Finance Director. 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. 20-68

- 12.4.** [ID-2020-240](#) Report To The City Council Of The City Of Emeryville Of Actions Taken By The Bicycle/Pedestrian Advisory Committee For Council Consideration. (Mary Grace Houlihan / Nancy Humphrey)

Attachments: [Staff Report](#)
[List of BPAC Motions January 2020-May 2020 \(1\).docx](#)

Environmental Programs Supervisor Nancy Humphrey gave the staff

presentation and responded to Council questions. The Council gave direction for staff to come back at the next Council Meeting with an item to update the composition of the B/PAC membership per its recommendation.

- 12.5. [ID-2020-241](#) Report On Third-Party Delivery Platform Commission Fee Limits (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

Economic Development Manager Chad Smalley gave the staff presentation and responded to Council questions. Council gave direction to refer the item to the Economic Development Advisory Committee to watch.

- 12.6. [ID-2020-242](#) Expediting Permitting For Temporary Outdoor Seating For Restaurants And Bars During COVID-19 Pandemic And Urging The County To Expedite Permits For Such Outdoor Seating (Charles S. Bryant)

Attachments: [Staff Report](#)

[Attachment 1 – State Guidance for Dine-In Restaurants](#)

[Attachment 2 - Temporary Use Permit Regulations](#)

[Attachment 3 - Sidewalk Cafe and Parklet Regulations](#)

- 12.6.1 [ID-2020-243](#) An Ordinance Of The City Council Of The City Of Emeryville Temporarily Waiving Or Modifying Certain Provisions Of The Planning Regulations Related To Outdoor Seating For Restaurants And Bars During The COVID-19 Pandemic; 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 Regular Ordinance](#)

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

A motion was made by Council Member Medina, seconded by Council Member Bauters, 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

A motion was made by Council Member Medina, seconded by Council Member Bauters, to approve first reading the Ordinance, amended to correct the numbering in the ordinance., and to amend Section F to provide that outdoor fitness activities are eligible for fee waivers. The motion carried by the following vote:

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

- 12.6.2** [ID-2020-244](#) An Urgency Ordinance Of The City Council Of The City Of Emeryville Temporarily Waiving Or Modifying Certain Provisions Of The Planning Regulations Related To Outdoor Seating For Restaurants And Bars During The COVID-19 Pandemic; 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. 20-014](#)

A motion was made by Council Member Bauters, seconded by Council Member Donahue, 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. 20-014

A motion was made by Council Member Bauters, seconded by Council Member Medina, to adopt the Urgency Ordinance, amended as shown above under Item 12.6.1. 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. 20-014

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Bauters requested and received majority support to add an item to a future agenda to discuss consolidation of the Public Works and Transportation Committees into one. Council Member Medina requested and received majority support to add an agenda item to the July 7th agenda to consider adding a general tax on ride shares to the November 3, 2020 ballot. Mayor Patz asked and received support to add a study session in July to talk about policing and related matters.

15. ADJOURNMENT

The meeting adjourned at 9:40 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