



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
www.emeryville.org

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, July 7, 2020

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting was called to order at 7:22 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 Donahue, seconded by Council Member Medina, 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

No Special Orders were listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

There was no announcement made.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Vice Mayor Martinez reported on her attendance of the Alameda County Board of Supervisors Public Protection Committee Special

Meeting where she requested a future agenda item on diversity of recruitment for Alameda County Fire. She added that Fremont Mayor Mei also requested an item to address training on diversity, equity and inclusion, as it relates to the current staff.

Council Member Medina reported on her attendance of the recent ABAG (Association of Bay Area Governments) meeting where information was provided on the new RHNA (Regional Housing Needs Allocation) goals.

7. CITY MANAGER'S REPORT

City Manager Daniel reported on the continued remote work being accomplished by City staff, and the ongoing commitment of Police, Fire and Community Services staff who are reporting to work. She also reported on the continuation of the renters assistance program and the local business recovery grants, and stated that the processing of temporary use permits for temporary outdoor dining was being expedited to the extent possible.

8. EX PARTE COMMUNICATIONS

Council Members Medina and Bauters both reported having spoken with elected officials and staff from the cities of Berkeley and Oakland regarding Item 12.3.

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 Donahue, seconded by Vice Mayor Martinez, 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-2020-289](#) Warrants. (Bill Zenoni)

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

A motion was made to accept this Informational Report.

10.2. [ID-2020-250](#) Action Minutes of the June 9, 2020 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3.** [ID-2020-293](#) Action Minutes of the June 16, 2020 Special Closed Session (City Council). (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2020-292](#) Action Minutes of the June 16, 2020 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2020-255](#) Action Minutes of the June 16, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.6.** [ID-2020-288](#) Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Agreement Of Employment Between The Management Of Emeryville Services Authority And Michael Guina As City Attorney/General Counsel For The Period Of August 1, 2020, Through July 31, 2022 (Michael Guina)

In Conjunction with Management of Emeryville Services Authority Regular Meeting Item No. 6.11

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Proposed Agreement 2020-2022](#)

[APPROVED Resolution No. 20-69](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-69

- 10.7.** [ID-2020-277](#) Resolution Calling for the General Municipal Election November 3, 2020; Requesting Approval of Consolidation with the County of Alameda; Requesting the County Registrar of Voters Perform Certain Election Services in Connection with Said November 3, 2020 Election; and Authorizing the City of Emeryville to Reimburse the County Registrar of Voters for Election Services Performed. (Sheri Hartz)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 20-70](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-70

- 10.8.** [ID-2020-285](#) Resolution Of The City Council Of The City Of Emeryville Adopting The 2020 Housing Affordability Table Pursuant To The Affordable Housing Program (Article 4 Of Chapter 5 Of The Planning Regulations). (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)
[Attachment 1 - HCD 2020 Income Limits](#)
[Draft Resolution](#)
[Exhibit A - 2020 Housing Affordability Table](#)
[APPROVED Resolution No. 20-71](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-71

- 10.9.** [ID-2020-286](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract #CSPP-0009 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2020-2021 In The Amount of \$184,604 And Any Future Amendments And Appropriate Said Funds When Received To Accounts 230-53600 and 230-52300. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[California Department of Education State Contract No. CSPP-0009](#)
[APPROVED Resolution No. 20-72](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-72

- 10.10.** [ID-2020-284](#) Resolution Of The City Council Of The City Of Emeryville Authoring The City Manager To Enter Into A Professional Services Agreement With Uptons Inc. Dba: School Foodies In An Amount Not To Exceed \$115,000 Per Fiscal Year 2020-21 And 2021-22 To Provide Food Service At The Emeryville Child Development Center (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Professional Service Agreement](#)
[RFP for Vended Meals](#)
[School Foodies Proposal for Vended Meals](#)
[APPROVED Resolution No. 20-73](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-73

- 10.11.** [ID-2020-238](#) 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](#)
[Attachment 1 - Staff Report from June 2, 2020](#)
[Proposed Ordinance](#)
[APPROVED Ordinance No. 20-015](#)

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

Enactment No: Ordinance No. 20-015

- 10.12.** [ID-2020-280](#) 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) (Charles S. Bryant)

Attachments: [Staff Report](#)
[Attachment 1 - Staff Report from June 16, 2020](#)
[Proposed Ordinance](#)
[APPROVED Ordinance No. 20-016](#)

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

Enactment No: Ordinance No. 20-016

11. PUBLIC HEARINGS

No Public Hearings were listed.

12. ACTION ITEMS

- 12.1. [ID-2020-300](#) Bicycle/Pedestrian Advisory Committee: (Sheri Hartz / Lorraine Leong)

Attachments: [Staff Report](#)

City Clerk Sheri Hartz gave a brief staff report on the two actions associated with this item.

- 12.1.1 [ID-2020-301](#) Resolution Of The City Council Of The City Of Emeryville Amending The Membership Composition Of The Bicycle/Pedestrian Advisory Committee To Two Business Representatives Or Community Members, And Seven Community Members, For A Total Of Nine Committee Members; And Amending The FY2020-21 Local Roster Of Boards Commissions And Committees Accordingly

Attachments: [Draft Resolution \(Composition Membership\)](#)
[Bicycle Pedestrian Advisory Committee Roster](#)
[APPROVED Resolution No. 20-74](#)

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. 20-74

- 12.1.2 [ID-2020-302](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Business Representative Or Community Member To Serve On The Bicycle/Pedestrian Advisory Committee For A Term Commencing Immediately And Ending June 20, 2022; And Amending The FY2020-21 Local Roster Of Boards, Commissions And Committees Accordingly

Attachments: [Applicant: Thomas Modic](#)
[Draft Resolution \(Committee Appointment\)](#)
[Bicycle Pedestrian Advisory Committee Roster](#)
[APPROVED Resolutions No. 20-75](#)

Applicant Tom Modic was present and spoke regarding his interest in being appointed.

A motion was made by Council Member Medina, seconded by Council Member Donahue, to appoint Tom Modic as a Community Member on the Bicycle/Pedestrian Advisory Committee for a term to commence immediately and expiring in June 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. 20-75

12.2. [ID-2020-282](#) Consideration of Pedestrian and Bicycle Plan Scope of Work (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Exhibit A - Draft Scope of Work](#)

[Late Correspondence from Staff](#)

[Late Correspondence from Staff - Draft Scope of Work with Planning Commission Comments](#)

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

12.3. [ID-2020-323](#) 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](#)

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

PUBLIC COMMENT

1. A speaker spoke regarding the previous item, stating that Council Member Medina had made comments critical of staff work and should be admonished.

2. Fran Quittel expressed concern that taxi cabs would not be included in the tax and asked what the difference was between Emeryville's proposed ordinance and those of the other cities.

A motion was made by Council Member Medina, seconded by Council Member Bauters, to continue the action on this item to the July 21, 2020 Regular City Council meeting to allow further information gathering and the addition of a report on potential revenue that would be generated by the tax. There was consensus reached to continue the matter.

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2020-283](#) Planning Director's report on Planning Commission actions at the June 25, 2020 meeting:

- (a) 47th Street Homes. Consideration of a Conditional Use Permit and Design Review application to demolish four existing single-unit homes and replace them with three duplexes on one parcel at 1034-1042 47th Street.*
- (b) Cannabis Regulations Amendments. Consideration of amendments to Article 2 of Chapter 3 and Article 22 of Chapter 5 of the Planning Regulations at Title 9 of the Emeryville Municipal Code to allow cannabis manufacturing businesses in additional zoning districts and to allow reduced distances between cannabis sales activities and parks, Greenways and other sensitive uses.*
- (c) Pedestrian and Bicycle Plan Scope of Work. A study session on the scope of work for a request for proposals for a consulting team to prepare the next Pedestrian and Bicycle Plan.

* City Council public hearing tentatively scheduled for September 1, 2020.

The packet for the June 25, 2020 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

PUBLIC COMMENT

A speaker stated that the Planning Commission had been critical of the 47th Street Homes project and should be admonished.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Vice Mayor Martinez requested and received majority support for an item to be added to the July 21, 2020 agenda to extend the lapsed eviction ordinances.

Mayor Patz reported on the topics for the July 21, 2020 study session to discuss policing policies and requested that the Council Members provide any additional topics they would like added. Council Member

Bauters requested that a review be added regarding the practice of publicly releasing mug shots of those who have been arrested but not convicted of a crime and also to look at decriminalizing the City's Municipal Code as it relates to misdemeanors. The City Manager noted that the Municipal Code review could take more time to complete than was available before agenda publication, and it was agreed that the discussion on that could be taken up in September.

Council Member Medina requested that information on traffic stops be included, Council Member Donahue requested an update on public safety bills and Vice Mayor Martinez requested an update on POST Commission reforms.

PUBLIC COMMENT

A speaker stated a future agenda item should be added to discuss the definition of deeply offensive comments. He commended Council Member Bauters for his two additions to the study session topics.

15. ADJOURNMENT

The meeting adjourned at 8:27 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