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## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

Members:

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

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Tuesday, March 16, 2021

7:16 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 9:17 p.m. The Mayor had previously 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 Dianne Martinez  
Vice Mayor Scott Donahue  
Council Member John J. Bauters  
Council Member Ally Medina  
Council Member Christian R. Patz

#### 3. APPROVAL OF FINAL AGENDA

**A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve the Final Agenda, as amended to change the order of the Action Items to have Item 12.3 be heard first, followed by 12.2 and then 12.1. The motion carried by the following vote:**

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

#### 4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

#### 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the upcoming annual recruitments to fill expiring terms, stating that the recruitment period would be open from

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April 2nd through May 17th, with appointments to be made at the Council's June 15th meeting.

**6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE**

Council Member Bauters announced that the MTC had released its list of projects, which included Emeryville's 40th Street redesign project. He added that the project would next need to be submitted for the other half of its funding. Council Member Medina reported on her attendance of the East Bay EDA, where a discussion was had on worsening inequality due to the COVID-19 pandemic.

**7. CITY MANAGER'S REPORT**

City Manager Daniel announced the upcoming CERT Training Academy.

**8. EX PARTE COMMUNICATIONS**

Council Member Bauters disclosed having met with members of the California Nurses Association related to Item 12.3. Council Member Medina reported having communicated with Secure Justice regarding Item 12.2

**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 Patz, to approve the Consent Agenda. The motion carried by the following vote:**

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

**10.1. [ID-2021-120](#) Warrants. (Brad Farmer)**

**Attachments:** [Staff Report](#)

[Wire Transfers](#)

[Check Register](#)

**A motion was made to accept this Informational Report.**

**10.2. [ID-2021-110](#) Action Minutes of March 2, 2021 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)**

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.3. [ID-2021-111](#) Action Minutes of March 2, 2021 Emeryville City Council Special Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.4. [ID-2021-113](#) Action Minutes of March 2, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.5. [ID-2021-102](#) Resolution Of The City Council Of The City Of Emeryville Approving A Side Letter Of Agreement Between The City Of Emeryville And Emeryville Police Officers' Association Regarding Vacation Accrual. (Trish Raver)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Side Letter Agreement EPOA Vacation Accrual](#)

[APPROVED Resolution No. 21-19](#)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 21-19

- 10.6. [ID-2021-100](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2020 General Plan Annual Progress Report And Authorizing Submittal To The Governor's Office Of Planning And Research And To The California Department Of Housing And Community Development. (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15378) (Charles S. Bryant / Navarre Oaks / Valerie F. Bernardo)

**Attachments:** [Staff Report](#)

[Site Inventory Update 2020](#)

[Draft Resolution](#)

[General Plan Annual Report](#)

[APPROVED Resolution No. 21-20](#)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 21-20

- 10.7. [ID-2021-066](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services

Contract With PlaceWorks To Prepare The 2023-2031 Housing Element Of The Emeryville General Plan In An Amount Not To Exceed \$171,837 And Appropriating \$106,837 From The General Plan Maintenance Fund Balance (Fund 225) To Account 80050, Professional Services, In the Fund 225 General Plan Maintenance Budget (Charles S. Bryant / Navarre Oaks)

**Attachments:** [Staff Report](#)

[Attachment 1 - Housing Element RFP](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 21-21](#)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 21-21

## 11. PUBLIC HEARINGS

There were no Public Hearings listed.

## 12. ACTION ITEMS

- 12.3.** [ID-2021-118](#) Resolution Of The City Council Of The City Of Emeryville Supporting Assembly Bill 1400 (Kalra, Lee, & Santiago), The Calcare Act, That Would State The Intent Of The Legislature To Enact Legislation That Would Establish A Comprehensive Universal Single-Payer Health Care Coverage Program And A Health Care Cost Control System For The Benefit Of All Residents Of The State. (Council Member Bauters)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-23](#)

Council Member Bauters gave a brief presentation on the item and responded to Council Member questions.

### PUBLIC COMMENT:

1. Lynn Warner spoke in support of the legislation.
2. Alyssa Kang, CNA, also spoke in support.

**A motion was made by Mayor Martinez, seconded by Vice Mayor Donahue, to approve this Resolution. The motion carried by the following vote:**

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

Enactment No: Resolution No. 21-23

- 12.2. [ID-2021-117](#) Resolution Of The City Council Of The City Of Emeryville In Support Of Senate Bill 271 (Wiener). (Council Member Medina)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Late Correspondence - Secure Justice](#)  
[APPROVED Resolution No. 21-22](#)

Council Member Medina gave a brief presentation and responded to Council Member questions.

PUBIC COMMENT:

1. Brian Sofer, Secure Justice, spoke in support of the item.

**A motion was made by Council Member Medina, seconded by Council Member Patz, to approve this Resolution. The motion carried by the following vote:**

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

Enactment No: Resolution No. 21-22

- 12.1. [ID-2021-101](#) An Ordinance Of The City Council Of The City Of Emeryville Amending Section 5-28.06(d) Of The Emeryville Municipal Code, "Cannabis, Review of Applications - Appeal of Disapprovals and Suspensions" (CEQA Determination: Exempt Pursuant To CEQA Guideline 15061(b)(3)). (Charles S. Bryant / Chadrick Smalley)

**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)

Council Member Medina recused herself from consideration of this matter due to a potential economic interest conflict, and left the virtual dais.

The Council waived staff presentation on this item. Economic Development and Housing Manager Chad Smalley was present to respond to Council Member questions.

**A motion was made by Council Member Bauters, seconded by Council Member Patz, to read the Ordinance by title only. The motion carried by the following vote:**

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

**Recused:** 1 - Council Member Medina

**A motion was made by Council Member Bauters, seconded by Council Member Patz, to approve the first reading of this Ordinance.**

**The motion carried by the following vote:**

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

**Recused:** 1 - Council Member Medina

**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 adjourned at 9:47 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**