



CITY OF EMERYVILLE
AGENDA
City Council

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

Members:

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

Special Meeting
--AMENDED--

Thursday, March 19, 2020

5:30 PM

Council Chambers

A complete copy of the agenda packet is available on the city's website at <http://emeryville.org/88/video-agendas-reports-minutes-archive>. Before the council meeting, all writings that are public records and relate to an agenda item below which are distributed to a majority of the legislative body less than 72 hours prior to the meeting noticed above will be made available as "Late Correspondence" and will be published on the agenda beneath the relevant agenda item. The meeting is shown live on the City of Emeryville Television Channel (ETV), cable channel 27, and will be rebroadcast as part of the Regular City Council, Successor Agency, Community Development Commission, Management Of Emeryville Services Authority (MESA) and related meetings according to the published ETV schedule of programs. This special meeting will also be available to view through live media streaming accessible from the city of Emeryville website at <http://www.emeryville.org>.

You can request free copies of the Emeryville City Council, Successor Agency, Community Development Commission, Management of Emeryville Services Authority (MESA) and related agendas in digital format for the current calendar year by going to our website at <http://www.emeryville.org> and clicking on "Notify Me". Simply fill out your information, check "City Council Agendas", and click the "Subscribe" button. By doing so, you will automatically receive all of the agendas for the year via email.

**INFORMATION FOR SPECIAL MEETING DURING SHELTER IN PLACE ORDER
(effective 3/17/2020 - 4/7/2020):**

Pursuant to California Governor Gavin Newsom's Executive Order N-25-20, a local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body during the current health emergency. As such, some or all of the Emeryville City Council Members will be participating in the City Council meeting via teleconference, and the City will provide various options for the public to participate in the conduct of the meeting remotely.

Additionally, in light of the recent Alameda County Public Health order for individuals to shelter in place, the City will implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, limiting the duration of the meeting by only conducting essential business, and suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order related to the Brown Act and the utilization of technology to facilitate participation.

The City will further adhere to the means otherwise prescribed by the Brown Act, to notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, the City will use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

The City offers many ways for you to watch and participate in City matters without attending a meeting in-person. Our City Council meetings are streamed live at <http://emeryville.org/88/Video-Agendas-Reports-Minutes-Archive> and on Emeryville TV at https://emeryville.granicus.com/MediaPlayer.php?publish_id=8. Additionally, public comment for Council agenda items can be submitted online via our new online speaker card when an agenda is posted at <https://www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive>. Written comments can also be submitted by email to city_council@emeryville.org or the City Clerk, Sheri Hartz, at shartz@emeryville.org.

If you would like to support, oppose, or otherwise comment on an upcoming agenda item, please consider sending in your comments prior to the meeting rather than attending a meeting in person. If you are still planning to attend a meeting in-person, please note that there will be new protocols in place to enforce good hygiene and social distancing guidelines, including limited seating and attendance during the meeting.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to adopt. Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Presiding Officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the Hearing is closed and brought back to Council level for discussion and action. There is no further comment permitted from the audience unless requested by the Council.

The speaker's time is limited to 3 minutes and can only be extended upon approval of the Presiding Officer. If you are submitting your comments using the online comment card, please be aware that they will be read aloud into the record and will still be limited to the 3-minute time limit. If you attend the meeting in person, any person who desires to address the City Council on any item listed on the Agenda under the Consent Calendar, or on a matter not on the Agenda which item is within the subject matter jurisdiction of the City Council, may do so during that portion of the Agenda called Public Comment.

In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this meeting should contact the City Clerk's Office or ADA Coordinator at (510) 596-4300, as far in advance as possible but no later than 72 hours before the scheduled event. The best effort to fulfill the request will be made. Assistive listening devices are available for anyone with hearing difficulty from the City Clerk prior to the meeting, and must be returned to the City Clerk at the end of the meeting.

No animals shall be allowed at or brought in to a public meeting by any person except (i) as to members of the public or City staff utilizing the assistance of a service animal, which is defined as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability, or (ii) as to police officers utilizing the assistance of a dog(s) in law enforcement duties.

The AGENDA for this special meeting is as follows:

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF FINAL AGENDA**
- 4. EX PARTE COMMUNICATIONS**
- 5. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA**
- 6. CONSENT ITEMS**
 - 6.1. [ID-2020-093](#)** Warrants. (Susan Hsieh)
Attachments: [Staff Report](#)
[Wire Transfers](#)
[Check Register](#)
 - 6.2. [ID-2020-084](#)** Action Minutes of the March 3, 2020 Emeryville City Council / Management of Emeryville Services Authority Special Closed Session. (Sheri Hartz)
Attachments: [Action Minutes](#)

- 6.3.** [ID-2020-085](#) Action Minutes of the March 3, 2020 Emeryville City Council Special Meeting. (Sheri Hartz)
 Attachments: [Action Minutes](#)
- 6.4.** [ID-2020-087](#) Action Minutes of the March 3, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)
 Attachments: [Action Minutes](#)
- 6.5.** [ID-2020-060](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment Construction Contract With Ghilotti Bros., Inc. In The Amount Of \$3,313.32 For A Total Contract Amount Not To Exceed \$545,313.32 And Accepting The ATP Greenway Crossing Improvements At 65th Street, 66th Street, And 67th Street, Project No. EPW-18106 (CIP No. 19254005), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Christine Daniel / Ryan O'Connell)
 Attachments: [Staff Report](#)
 [Original Construction Contract](#)
 [Draft Resolution](#)
 [Exhibit A - 1st Amendment](#)
 [APPROVED Resolution No. 20-18](#)
- 6.6.** [ID-2020-082](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Issue A Purchase Order To Advanced Traffic Products, Inc. In The Amount Of \$115,554.60 For The Purchase Of Equipment For Transit Signal Priority Expansion In City Corridors Related To The IDEA Grant Project, CIP No. T-10 (Project No. 20254001). (Christine Daniel / Ryan O'Connell)
 Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Quote - Advanced Traffic Products](#)
 [APPROVED Resolution No. 20-19](#)

- 6.7. [ID-2020-079](#) Resolution Of The City Council Of The City Of Emeryville Approving and Authorizing The City Manager To Execute and Enter Into A Contract In The Amount Of \$128,850 With EOA, Inc. For Services For Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) Sections C.4 Industrial/Commercial Site Controls Inspections, C.3.h New Development And Redevelopment Operation And Maintenance Inspections, And C.10 Trash Load Reduction Assessment And Reporting For A Term Ending December 31, 2022. (Christine Daniel / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Professional Services Agreement](#)
[Proposal](#)
[APPROVED Resolution No. 20-20](#)

- 6.8. [ID-2020-073](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2019 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. (Charles S. Bryant / Diana Keena / Valerie F. Bernardo)

Attachments: [Staff Report](#)
[Residential Site Inventory Update](#)
[Draft Resolution](#)
[2019 General Plan Annual Progress Report](#)
[APPROVED Resolution No. 20-21](#)

- 6.9. [ID-2020-081](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The Issuance Of A Request For Proposals For A Qualified Food Service Provider To Operate The Meal Program At The Emeryville Child Development Center. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[RFP 2020 Food Program ECDC- updated](#)
[APPROVED Resolution No. 20-22](#)

- 6.10.** [ID-2020-100](#) Resolution Of The City Council Of The City Of Emeryville Confirming the Director of Emergency Services' Proclamation of Existence of A Local Emergency. (Sheri Hartz)

Attachments: [Staff Report](#)
 [Draft Resolution Confirming Local Emergency](#)
 [Proclamation of Local Emergency issued March 17, 2020](#)
 [APPROVED Resolution No. 20-23](#)

7. **ACTION ITEMS**

- 7.1.** [ID-2020-083](#) Consideration Of Commission On Aging Recommendation For Request To Fund The Gateway Program In The Amount Of \$2,500. (Pedro Jimenez)

Attachments: [Staff Report](#)
 [Draft Proposal](#)

- 7.2.** [ID-2020-096](#) Mid-Cycle Review Of The Two-Year Budget For Fiscal Years 2019-20 And 2020-21 And Proposed Budget Amendments. (Susan Hsieh)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Appendix A - FY 19-21 Proposed Budget Adjustments to the General Fund](#)
 [Appendix B - FY 19-21 Proposed Budget Adjustments to Other Funds](#)
 [Appendix C - FY 19-21 Proposed Budget Adjustments to Capital Projects](#)
 [FY 19-21 Revised Staffing Summary](#)
 [PARS OPEB Program Summary](#)
 [PARS OPEB Investment Returns](#)

- 7.3.** [ID-2020-046](#) Ordinance Of The City Council Of The City Of Emeryville To Modify Sections of Chapter 28 of Title 5 of the Emeryville Municipal Code, "Cannabis"; CEQA Determination: Exempt Pursuant to CEQA Guideline Section 15061(b)(3). (Michael Guina / Andrea Vishveshwara)

Attachments: [Staff Report](#)
 [Legislative Draft](#)
 [Proposed Ordinance](#)

- 7.4. [ID-2020-104](#) Resolution Of The City Council Of The City Of Emeryville Increasing The Purchasing Authority Of The City Manager From \$45,000 To \$100,000 During The Duration Of An Emergency Resulting From The Novel Coronavirus (COVID-19). (Christine Daniel)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-24](#)

- 7.5. [ID-2020-105](#) Ordinances Related To A Moratorium On Evictions. (Michael Guina)

Attachments: [Staff Report](#)

- 7.5.1 [ID-2020-106](#) An Urgency Ordinance Of The City Council Of The City Of Emeryville Enacting A Temporary Moratorium On Residential And Commercial Evictions Due To Nonpayment Of Rent And Residential Foreclosures Initiated By Homeowner's Associations Where The Failure To Pay Rent Or Assessments Results From Income Loss Due To The Novel Coronavirus (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). (Michael Guina)

Attachments: [Draft Urgency Ordinance](#)

[APPROVED Ordinance No. 20-002](#)

- 7.5.2 [ID-2020-107](#) An Ordinance Of The City Council Of The City Of Emeryville Enacting A Temporary Moratorium On Residential And Commercial Evictions Due To Nonpayment Of Rent And Residential Foreclosures Initiated By Homeowner's Associations Where The Failure To Pay Rent Or Assessments Results From Income Loss Due To The Novel Coronavirus (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). (Michael Guina)

Attachments: [Draft Ordinance](#)

9. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

10. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON APRIL 7, 2020, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608