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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

Special Meeting
--AMENDED--

Thursday, March 19, 2020

5:30 PM

Council Chambers

1. CALL TO ORDER

The meeting called to order at 5:31 p.m.

2. ROLL CALL

The Mayor read aloud the teleconferencing process that would be undertaken for Council Members and members of the public participating remotely. He announced that Council Members Donahue and Medina, along with Vice Mayor Martinez were teleconferencing into the meeting, while he and Council Member Bauters were present in the room.

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 Mayor Patz, seconded by Council Member Bauters, to approve the Final Agenda as listed, pulling Item 6.10 for separate consideration to occur immediately after Ex Parte Communications . 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. EX PARTE COMMUNICATIONS

Council Member Bauters reported having had conversations with staff members from other cities regarding Item 7.5, as well as at Destination Home, Alameda County and members of the public. Mayor Patz indicated that he had also discussed Item 7.5 with

members of the public.

- 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](#)

Mayor highlighted what the City had done to protect the public safety during the corona virus/COVID-19 health crisis.

A motion was made by Council Member Bauters, seconded by Mayor Patz, 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. 20-23

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

The City Clerk read aloud a public comment received via the online speaker card:

Brian Donahue asked why Sherwin Williams was being allowed to continue building its project while toxic soil cleanup is going on, and stated that Lennar was in violation of the Remedial Action Plan.

6. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Medina, 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

- 6.1. [ID-2020-093](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

- 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](#)

A motion was made to approve the Minutes.

- 6.3. [ID-2020-085](#) Action Minutes of the March 3, 2020 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 6.4. [ID-2020-087](#) Action Minutes of the March 3, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the 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](#)

A motion was made to approve this Resolution.

Enactment No: 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](#)

A motion was made to approve this Resolution.

Enactment No: 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](#)

A motion was made to approve this Resolution.

Enactment No: 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](#)

A motion was made to approve this Resolution.

Enactment No: 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](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-22

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](#)

A motion was made by Council Member Bauters, seconded by Vice Mayor Martinez, to continue this Item to a future agenda date. The motion carried by the following vote:

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

- 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](#)

Council waived presentation and asked that action on the item be continued to a future Council agenda.

A motion was made by Council Member Bauters, seconded by Mayor Patz, to accept and file this Informational Report. The motion carried by the following vote:

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

- 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](#)

Council waived staff's presentation on this item.

A motion was made by Mayor Patz, seconded by Council Member Bauters, to read this 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 Donahue, seconded by Mayor Patz, to approve the first reading and introduction of this 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

- 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](#)

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. 20-24

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

Attachments: [Staff Report](#)

City Attorney Guina gave the staff presentation and responded to

Council questions.

- 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](#)

A motion was made by Mayor Patz, seconded by Council Member Bauters, to read this 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. 20-002

A motion was made by Council Member Bauters, seconded by Mayor Patz, to approve this Ordinance as amended. 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. 20-002

- 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](#)

A motion was made by Council Member Bauters, seconded by Mayor Patz, to read this 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 as amended the first reading and introduction of this 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

8. DEPARTMENT HEAD REPORTS

City Manager Daniel reported that the Governor had just announced a statewide shelter in place order and that, when time permitted, staff would assess how that order aligned with the current County order. She also announced changes in the BART schedule, and that the Sheriff's Office had stated that it had authority to enforce the shelter in place order, and that its emphasis would be on businesses that were operating in defiance of the order.

9. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Medina requested and received majority support to send letters to Governor Newsom and Insurance Commissioner Lara requesting mitigation measures to assist residents during the corona virus/COVID-19 public health emergency. Mayor Patz requested and received support for an item to consider waiving buffer requirements for cannabis retailers, and an item to reinstate the Poet Laureate program in Emeryville.

10. ADJOURNMENT

The meeting adjourned at 6:56 p.m.