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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--

Tuesday, June 9, 2020

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via Zoom webinar at 7:18 p.m. The Mayor read aloud a statement announcing that the meeting was being conducted remotely 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 Mayor Patz, seconded by Council Member Bauters, to approve the Final Agenda, combining Items 5 and 7 and moving Item 12.6 to the start of the Action Item 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

- 4.1. [ID-2020-276](#) Proclamation: In Recognition Of Emeryville Police Chief Jennifer Tejada Upon Her Retirement
Mayor Patz announced that the Proclamation for Chief Tejada would be presented at an event to be held in her honor at the Police Station.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Mayor Patz called for a moment of silence to commemorate the death of George Floyd, and in recognition of Mr. Floyd's funeral having been held earlier in the day. The Mayor then read aloud a statement he had written wherein he thanked the Police Department and the Chief for their prioritization of people over property, and went on to thank the individual Council Members and staff for their work for human rights and their efforts on behalf of the Emeryville community. He called for action to end violence and racism, and announced an upcoming study session that would consider policing reform and seek public input on the qualities the public would like to see in a new Police Chief.

Following his comments, the Mayor reported that he and Council Member Donahue had attended the opening of the housing at the Robert Savage site, and stated that he was proud of the partnership between Oakland and Emeryville that made it possible. He concluded by announcing that scholarships had been awarded by the Alameda County Housing Commission as part of its Family Self Sufficiency Program.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

Items #5 and #7 were combined and moved after Item #6. The City Clerk announced the upcoming appointments to City committees and commissions that would take place at the June 16, 2020 Special City Council meeting. The City Manager had no report.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported on having had meetings with Public Market vendors, Rudy's Can't Fail Cafe, Prizefighter, Trader Vic's, the Bank Club and Ron Ben's related to Item 12.3. Regarding Item 12.4, he reported meetings with representatives from the Public Market and Wareham Development.

Vice Mayor Martinez reported that she and Mayor Patz met with Hank Schreeder related to Item 12. 5.

Council Member Medina reported having met with Prizefighter and members of the Public Market food court.

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

1. Charise McCondichie spoke regarding income loss due to the Shelter In Place order and requested that fitness studios be allowed to open.

2. George R. Martin, Chairperson of George M. Martin Company, expressed appreciation to the Police and Fire Departments and all first responders during this time.

3. A speaker stated that he found it telling that the Proclamation was moved off of the agenda and made comments critical of the Police Department.

The Mayor provided a brief statement, regarding the first speaker's comments, that the City was following the orders of Alameda County Public Health and was not acting under its own authority regarding closures of certain business types.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Bauters, seconded by Mayor Patz, to approve the Consent Calendar as amended to direct corrections to the minutes listed under Item 10.4. 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-2020-223](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

10.2. [ID-2020-229](#) Action Minutes of the May 19, 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.

10.3. [ID-2020-235](#) Action Minutes of the May 19, 2020 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2020-231](#) Action Minutes of the May 19, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes as amended by Council Member Bauters.

10.5. [ID-2020-210](#)

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Operation Dignity, Inc. To Provide Homeless Outreach And Housing Navigation Team Services In An Amount Not To Exceed \$12,326 For Fiscal Year 2019-2020, \$294,375 For Fiscal Year 2020-2021, \$305,384 For Fiscal Year 2021-2022, And \$305,384 For Fiscal Year 2022-2023, For A Total Contract Amount Not To Exceed \$917,469 (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Attachments: [Staff Report](#)

[Attachment 1 - Request for Proposals](#)

[Attachment 2 - Scoring Worksheet](#)

[Draft Resolution](#)

[Exhibit A - Proposed Contract](#)

[APPROVED Resolution No. 20-44](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-44

10.6. [ID-2020-211](#)

Resolution Of The City Council Of The City Of Emeryville Authorizing Application For, And Receipt Of, \$65,000 In Local Government Planning Support Grant Program Funds To Partially Fund Preparation And Adoption Of The 2022-2030 Housing Element Of The Emeryville General Plan, And If Awarded To Appropriate The Funds To Grant Fund 254 (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Grant Application](#)

[APPROVED Resolution No. 20-45](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-45

11. PUBLIC HEARINGS

No Public Hearings were listed.

12. ACTION ITEMS

- 12.6. [ID-2020-271](#) Resolution Of The City Council Of The City Of Emeryville Approving The Local Business Recovery Program; And Re-Appropriating \$200,000 From The Façade Improvement Program To The Local Business Recovery Program. (Chief Jennifer Tejada / Chadrick Smalley)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-49](#)

City Manager Daniel and Chief Tejada provided a report on the events of civil unrest that occurred over the preceding weekend, following which the Council took action on the resolution, as amended.

A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve as amended 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. 20-49

- 12.1. [ID-2020-225](#) 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](#)

[APPROVED Resolution No. 20-46](#)

City Manager Daniels opened the presentation before turning it over to Finance Manager Susan Hsieh who gave the staff presentation.

PUBLIC COMMENT

1. Miroo Desai, SEIU Chapter President, expressed thanks to Ms. Hsieh and the City Manager for arriving at a workable solution during the challenging times, and recommended Council approval.

A motion was made by Vice Mayor Martinez, seconded by Council Member Bauters, to approve 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

Enactment No: Resolution No. 20-46

- 12.2. [ID-2020-226](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Appropriations Limit For The 2020-21 Fiscal Year At \$121,764,528. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Appendix A – Appropriations Limit Calculation FY 2020-21](#)
[APPROVED Resolution No. 20-47](#)

Council waived staff's presentation.

A motion was made by Vice Mayor Martinez, seconded by Council Member Donahue, to approve 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

Enactment No: Resolution No. 20-47

- 12.3. [ID-2020-219](#) Commercial Rent Repayment Ordinances. (Michael Guina / Andrea Visveshwara)

Attachments: [Staff Report](#)

Council waived staff's presentation, but asked that Assistant City Attorney Visveshwara cover Sections 5 and 6 at a high level for the benefit of the public.

- 12.3.1 [ID-2020-220](#) Urgency 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: [Draft Urgency Ordinance](#)
[APPROVED Ordinance No. 20-010](#)

A motion was made by Mayor Patz, seconded by Vice Mayor Martinez, to read by title only this Urgency 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

Enactment No: Ordinance No. 20-010

A motion was made by Council Member Bauters, seconded by Council Member Medina, to adopt this Urgency 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

Enactment No: Ordinance No. 20-010

- 12.3.2** [ID-2020-221](#) 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: [Draft Ordinance](#)

A motion was made by Mayor Patz, seconded by Council Member Bauters, to read by title only 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

A motion was made by Council Member Medina, seconded by Council Member Donahue, to approve first reading 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

- 12.4.** [ID-2020-227](#) Amending Chapter 40 Of Title 5 Of The Emeryville Municipal Code Re: Rent Repayment Program For Residential Tenants

Attachments: [Staff Report](#)

Council waived staff's presentation on this item.

- 12.4.1** [ID-2020-232](#) Urgency 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: [Draft Urgency Ordinance](#)

[APPROVED Ordinance No. 20-011](#)

A motion was made by Mayor Patz, seconded by Council Member Medina, to read by title only this Urgency 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

Enactment No: Ordinance No. 20-011

A motion was made by Council Member Medina, seconded by Council Member Donahue, to adopt this Urgency 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

Enactment No: Ordinance No. 20-011

- 12.4.2** [ID-2020-233](#) 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: [Draft Ordinance](#)

A motion was made by Mayor Patz, seconded by Council Member Medina, to read by title only 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

A motion was made by Vice Mayor Martinez, seconded by Council Member Medina, to approve first reading 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

- 12.5.** [ID-2020-237](#) Resolution Of The City Council Of The City Of Emeryville Appointing Robert Schreeder As The Interim Chief Of Police Pursuant To Government Code Section 21221(h). (Trish Raver)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Conditional Offer of Employment Letter](#)

[APPROVED Resolution No. 20-48](#)

City Manager Daniel introduced the item to confirm the appointment of Interim Police Chief Robert "Hank" Schreeder. Chief Schreeder was on the call and made brief comments.

A motion was made by Mayor Patz, seconded by Vice Mayor Martinez, 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. 20-48

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2020-213](#) Planning Director's report on Planning Commission actions at the May 28, 2020 meeting:

- (a) Emeryville Center for the Arts. Second study session to review an adaptive reuse proposal that will involve renovation of an existing, 30,000 square foot vacant building at 4060 Hollis Street to accommodate an arts and cultural center.
- (b) San Pablo Affordable Apartments. Study session to review a proposal for redevelopment of a 0.39 acre site at 3600 San Pablo Avenue with a 7-story, 90-unit, 100% affordable housing project with a minimum of 3,600 square feet of ground floor commercial space for the Emeryville Citizens' Assistance Program (ECAP). The applicant proposes that the project be processed under SB 35, which mandates ministerial approval (i.e. staff level), and AB 1763, which specifies no density limit for projects within one-half mile of transit.

The packet for the May 28, 2020 Planning Commission meeting can be viewed online at [<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>](http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent)

Director Bryant gave his report and responded to Council Member questions. Regarding the 3600 San Pablo Avenue project, the Council directed that a study session presentation be scheduled on this project.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Mayor Patz requested and received majority support to schedule a special study session on police practices, accountability, training and other law enforcement issues in Emeryville, as well as what qualities the public would like to see in a new Police Chief.

Council Member Medina requested and received majority support that the City send a letter to EDD demanding that there be a hard copy option for filing for unemployment.

Council Member Bauters requested and received majority support to have a discussion on adopting a regulation on police use of "less-lethal" devices, to include the practices of our mutual aid partners when in Emeryville.

15. ADJOURNMENT

The meeting adjourned at 9:13 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

DRAFT