



Emeryville City Hall
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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

--AMENDED--

Tuesday, April 21, 2020

7:16 PM

Teleconference Meeting

1. CALL TO ORDER

The meeting convened via teleconference at 7:22 p.m. 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 Vice Mayor Martinez, 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

There were no Special Orders of the Day listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that a recruitment was underway to fill expiring terms on the City's committees and commissions, and gave the deadline to apply.

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

Mayor Patz made a statement in recognition of National Public Safety Telecommunications Week and expressed appreciation for Emeryville's 911 Dispatchers.

7. CITY MANAGER'S REPORT

The City Manager reported on the temporary closure on Doyle Street meant to allow more room for bike and pedestrian traffic during the public health emergency, stated that an item would come forward on the Council's May 5th agenda for discussion, and encouraged public comments on the matter.

8. EX PARTE COMMUNICATIONS

Each of the Council Members reported having received the same email messages, related to Items 12.1 and 12.2, that had been made a part of the record.

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 Council Member Medina, 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-2020-173](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

10.2. [ID-2020-169](#) Action Minutes of the April 7, 2020 Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2020-171](#) Action Minutes of the April 7, 2020 Emeryville City Council Regular

Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2020-156](#) Resolution Of The City Council Of The City Of Emeryville Setting A Public Hearing Date Of May 5, 2020, At 7:16 p.m., To Be Held At City Hall, 1333 Park Avenue, Emeryville, Or Via Teleconference If Governor's Executive Order EO-N-29-20 Is Extended Past May 3, 2020, To Consider The Formation Of The North Hollis Underground Utility District For The Conversion Of Aerial To Underground Utilities In An Area Generally Located On Hollis Street From Approximately 45 Feet South Of 59th Street To Approximately 135 Feet North Of 67th Street; On 61st Street From Doyle Street To Hollis Street; And On 62nd Street From Hollis Street To Doyle Street (Michael Roberts-Public Works)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: North Hollis UUD](#)

[APPROVED Resolution No. 20-32](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-32

- 10.5.** [ID-2020-122](#) Resolution Of The City Council Of The City Of Emeryville Approving The Proposed SB 1 Project List And Appropriation For Fiscal Year 2020-2021. (Mary Grace Houlihan / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - 2020-2021 SB1 Project List](#)

[APPROVED Resolution No. 20-33](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-33

- 10.6.** [ID-2020-176](#) Waste Management of Alameda County's Notice of Force Majeure And Ongoing Changes To Solid Waste, Recycling, And Composting Services In Emeryville. (Mary Grace Houlihan / Nancy Humphrey)

Attachments: [Staff Report](#)

[March 22 Notice of Force Majeure](#)

[April 3 Letter to WMAC](#)

[April 10 Letter WMAC Response to City's Letter](#)

A motion was made to approve this Other Item.

Enactment No: 19-02

- 10.7.** [ID-2020-158](#) Ordinance Of The City Council Of The City Of Emeryville Amending Article 4 Of Chapter 4 Of The Planning Regulations To Eliminate The Minimum Parking Requirements And To Make Other Related Modifications To The Planning Regulations (CEQA Determination: Environmental Impact Report For General Plan Certified By The City Council On October 13, 2009) (Charles S. Bryant)

Attachments: [Staff Report](#)[Attachment 1 - Staff Report from April 7, 2020](#)[Proposed Ordinance](#)[Exhibit A - Planning Regulations Amendments](#)[APPROVED Ordinance No. 20-005](#)**A motion was made to approve the second reading and adoption of this Ordinance.**

Enactment No: Ordinance No. 20-005

- 10.8.** [ID-2020-181](#) An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 40 Of Title 5 Of The Emeryville Municipal Code "Residential Landlord and Tenant Relations" 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). (Michael Guina, Andrea Visveshwara).

Attachments: [Staff Report](#)[Draft Ordinance](#)[APPROVED Ordinance No. 20-006](#)**A motion was made to approve the second reading and adoption of this Ordinance.**

Enactment No: Ordinance No. 20-006

- 10.9.** [ID-2020-182](#) Resolution Of The City Council Of The City Of Emeryville Approving The Use Of Digital Signatures To Execute City Council Legislation And On Letters In Support Of Or Opposition To State Legislation. (Sheri Hartz)

Attachments: [Staff Report](#)[Draft Resolution](#)[APPROVED Resolution No. 20-34](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-34

- 10.10.** [ID-2020-184](#) Proposed Letter to Alameda County Concerning CARES Funding.
(Sheri Hartz)

Attachments: [Staff Report](#)

[Draft Letter](#)

A motion was made to approve this Other Item.

11. PUBLIC HEARINGS

- 11.1.** [ID-2020-157](#) Resolution Of The City Council Of The City Of Emeryville Establishing
Updated Development Impact Fees For Fiscal Year 2020-2021
(Charles S. Bryant)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Development Impact Fees FY20-21](#)

[APPROVED Resolution No. 20-35](#)

Council waived presentation on this item.

PUBLIC HEARING OPEN: 7:31 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 7:31 p.m.

A motion was made by Vice Mayor Martinez, 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. 20-35

- 11.2.** [ID-2020-162](#) Resolution Of The City Council Of The City Of Emeryville Amending
The City Of Emeryville Master Fee Schedule For Fiscal Year 2020-21.
(Susan Hsieh)

Attachments: [Staff Report](#)

[Draft Master Fee Schedule - Redline Version](#)

[Draft Resolution](#)

[Exhibit A - Master Fee Schedule](#)

[APPROVED Resolution No. 20-36](#)

Council waived presentation on this item.

PUBLIC HEARING OPEN: 7:36 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 7:36 p.m.

A motion was made by Council Member Bauters, seconded by Vice Mayor Martinez, to approve this Resolution as amended to make two minor changes to the Master Fee Schedule. 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. 20-36

12. ACTION ITEMS

12.1. [ID-2020-164](#) Ordinances Related To A Moratorium On Evictions (Michael Guina)

Attachments: [Staff Report](#)
[Late Correspondence - Jonathan Singh](#)

Council waived presentation on this item.

12.1.1 [ID-2020-165](#) 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)

Attachments: [Draft Ordinance](#)
[APPROVED Ordinance No. 20-007](#)

A motion was made by Council Member Medina, 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

Enactment No: Ordinance No. 20-007

The City Manager read the ordinance title as the City Attorney was experiencing technical difficulties.

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

Enactment No: Ordinance No. 20-007

12.1.2 [ID-2020-166](#)

An Urgency Ordinance Of The City Council Of The City Of Emeryville Enacting A Temporary Moratorium On Residential Evictions; And A Temporary Moratorium On 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; And Rescinding Ordinance No. 20-002. 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. 20-008](#)

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

Enactment No: Ordinance No. 20-008

The City Manager read the ordinance title as the City Attorney was experiencing technical difficulties.

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

Enactment No: Ordinance No. 20-008

12.2. [ID-2020-163](#)

An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 40 Of Title 5 Of The Emeryville Municipal Code "Residential Landlord And Tenant Relations" To Revise The Definition Of Covered Units; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3) (Charles S. Bryant / Chadrick Smalley

/ Valerie Bernardo)

Attachments: [Staff Report](#)
[Proposed Ordinance](#)
[Late Correspondence - Jeffrey De Puy](#)
[Late Correspondence - Jeffrey De Puy](#)

Economic Development and Housing Manager Chad Smalley gave the staff presentation and responded to Council Member questions. Council Member Bauters proposed an amendment to the ordinance to add a new section three, and received majority support.

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 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

- 12.3.** [ID-2020-175](#) Resolution Of The City Council Of The City Of Emeryville Approving Minor Scope Of Work Changes Described In Amendment Request Letter For The Quiet Zone Safety Engineering Measures Project; Approving Street Closure At 66th Street At-Grade Railroad Crossing. (Mary Grace Houlihan / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Amendment Request Letter](#)
[Exhibit B - Closure Study](#)
[APPROVED Resolution No. 20-37](#)

Senior Civil Engineer Ryan O'Connell gave the staff presentation and responded to Council Member questions.

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. 20-37

- 12.4. [ID-2020-177](#) Presentation and Discussion on Legislative Priorities. (Christine Daniel)

Attachments: [Staff Report](#)

[Attachment A: TPA State and Federal Legislative Update](#)

[Attachment B: Funding for Housing, Rental Assistance and Homelessness](#)

[Attachment C: TPA COVID-19 Weekly Updates, 3/2/20-4/10/20](#)

[Attachment D: TPA COVID-19 Funding Matrix](#)

Niccolo De Luca, Senior Director, Townsend Public Affairs, gave the presentation and responded to Council Member questions.

- 12.5. [ID-2020-180](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute the First Amendment to the Agreement Between The City of Emeryville and The Alameda County Fire Department Regarding Fire and Emergency Services for The Term July 1, 2020 Through June 30, 2022. (Christine Daniel)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Fire Contract First Amendment](#)

[FY 20-21 Budget](#)

[2018 Agreement for Fire/Emergency Response Services](#)

[Report: Quality of Services Provided, Station Location and Staffing](#)

[GASB 45 Valuation](#)

[APPROVED Resolution No. 20-38](#)

City Manager Daniel gave a brief staff report and Chief Rocha was also present to respond to Council Member questions.

A motion was made by Vice Mayor Martinez, 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. 20-38

- 12.6. [ID-2020-160](#) Direction To Reinstate The Emeryville Poet Laureate Program. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

Economic Development Coordinator Amber Evans gave the staff

presentation and responded to Council Member questions.

A motion was made by Mayor Patz, seconded by Council Member Bauters, to approve this Other Item and directing staff to come back with a program proposal at a future Council meeting. The motion carried by the following vote:

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

- 12.7. [ID-2020-167](#)** Resolution Of The City Council Of The City Of Emeryville Amending The 2020 City Council Regular Meeting Calendar. (Sheri Hartz / Lorrayne Leong)
(In Conjunction with Successor Agency Agenda Item 7.1)

Attachments: [Staff Report](#)
[Draft Resolution \(City Council\)](#)
[Proposed Amended 2020 Calendar](#)
[APPROVED Resolution No. 20-39](#)

The Council waived presentation on this item.

A motion was made by Mayor Patz, seconded by Council Member Medina, 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. 20-39

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Bauters requested and received majority support for an item to be added to the next Council meeting agenda to consider sending a letter to the County Public Health Officer requesting additional protections for essential employees such as grocery workers and baristas.

Mayor Patz announced that he had reluctantly decided to cancel the Rotten City Block Party, previously scheduled for August 29th, due to the current circumstances and out of concern for the health of the community.

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