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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Mayor Courtney Welch
Vice Mayor David Mourra
Council Member John J. Bauters
Council Member Sukhdeep Kaur
Council Member Kalimah A. Priforce

--AMENDED--

Tuesday, April 16, 2024

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:19 p.m.

2. ROLL CALL

Present: 4 - Vice Mayor David Mourra
Council Member John J. Bauters
Council Member Sukhdeep Kaur
Council Member Kalimah A. Priforce

Excused: 1 - Mayor Courtney Welch

3. APPROVAL OF FINAL AGENDA

A motion was made by Council Member Kaur, seconded by Council Member Bauters, to approve the final agenda. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

4. SPECIAL ORDERS OF THE DAY

4.1. ID-2024-132 Proclamation Of The City Council Of The City Of Emeryville Proclaiming April 19, 2024, As Education And Sharing Day. (Mayor Welch)

4.2. ID-2024-131 Proclamation Of The City Council Of The City Of Emeryville Proclaiming April 21-27, 2024, As National Crime Victims' Rights Week. (Mayor Welch)

4.3. ID-2024-153 Proclamation Of The City Council Of The City Of Emeryville Proclaiming April 22, 2024 As Earth Day. (Mayor Welch)

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk April Richardson announced that the annual recruitment is open for upcoming and unscheduled vacancies. There are 32 vacancies across 9 advisory bodies. The application period closes May 28, 2024, and the application is available on the website.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Priforce reported on his meeting as part of the National Haitian American Elected Officials Network.

7. CITY MANAGER'S REPORT**8. EX PARTE COMMUNICATIONS**

Council Members Bauters and Priforce, and Vice Mayor Mourra reported communications with Packard Jennings on item 12.3. Council Members Bauters and Kaur reported communications with the American Heart Association, American Lung Association, and the Alameda County Health Department on item 12.4.

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

1 speaker.

10. CONSENT ITEMS

A motion was made by Council Member Kaur, seconded by Council Member Bauters, to approve the Consent Agenda. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

10.1. ID-2024-135 Warrants. (Lawrence Chiu)

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

A motion was made to accept this Informational Report.

10.2. ID-2024-146 Action Minutes Of The April 2, 2024, Special City Council Closed Session. (April Richardson / Lorraine Leong)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. ID-2024-148 Action Minutes Of The April 2, 2024, Special City Council Meeting.

(April Richardson / Lorraine Leong)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. ID-2024-149** Action Minutes Of The April 2, 2024, Regular City Council Meeting.
(April Richardson / Lorraine Leong)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. ID-2024-137** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds From The Alameda County Transportation Commission's 2024 CIP Call For Projects For The Emery Go-Round Operating Expenses (FY2024-FY2025), Doyle Bicycle Improvements - Phase 3, And 40th Street Multimodal Improvements; Appropriating \$8,204,000 Into Fund 254 (Project No. 22242002), \$172,000 Into Fund 254 (Project No. 22242002), \$354,000 Into Fund 254 For New CIP Project Number (Doyle Bicycle Improvements - Phase 3), And \$1,000,000 Into Fund 254 (Emery Go-Round Operating Expenses FY2024-FY2025). (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[A23-0040 40th Street Improvements](#)

[A23-0041 Doyle Street](#)

[A23-0042 Emery Go-Round](#)

[APPROVED Resolution No. 24-40](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-40

- 10.6. ID-2024-154** Resolution Of The City Council Of The City Of Emeryville Rescinding The Prior Second Amendment Dated July 1, 2023 For The '8 To Go' Paratransit Shuttle Service Agreement With The Emeryville Transportation Management Association And Authorizing The City Manager To Execute A New Second Amendment, Retroactive To July 1, 2023, In The Amount Of \$149,800 For FY23/24 For A Total Not To Exceed Amount Of \$418,300 And Appropriate Said Funds When Received To Account 263-88400. (Rebecca Sermeno / Kim Burrowes)

Attachments: [Staff Report](#)
[Professional Services Contract](#)
[ETMA First Amendment](#)
[ETMA Second Amendment](#)
[Draft Resolution](#)
[ETMA Amended Second Amendment](#)
[APPROVED Resolution No. 24-41](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-41

11. PUBLIC HEARINGS

- 11.1. ID-2024-130** Resolution Of The City Council Of The City Of Emeryville Establishing Updated Development Impact Fees For Fiscal Year 2024-2025. (Chadrick Smalley / Miroo Desai)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A to Resolution - Development Impact Fees 2024-2025](#)
[APPROVED Resolution No. 24-42](#)

PUBLIC HEARING OPENED: 7:40 p.m.

0 speakers.

PUBLIC HEARING CLOSED: 7:40 p.m.

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

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

Enactment No: Reso No. 24-42

12. ACTION ITEMS

- 12.1. ID-2024-138** Resolution Of The City Council Of The City Of Emeryville Adopting The Community Promotion Grant Subcommittee Recommendations To Select Biketopia, Easy Does It Emergency Services, Emeryville Celebration Of The Arts, Emeryville Children And Nature, Fishnets And Films, Friends Of The Golden Gate Library, Head Over Heels Athletic Arts, Kala Art Institute, Nancy Karp & Dancers, Scientific Adventures For Girls, The Compound Gallery LLC, And The Emeryville Historical Society As Recipients For The Emeryville Community

Promotions Grant Program. (Rebecca Sermeno)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[CPG Grant Applicants Overview](#)

[APPROVED Resolution No. 24-43](#)

Community Services Director Rebecca Sermeno made a presentation and answered Council Member questions. Staff asked Council to approve an alternate composition of the selection committee for the next grant cycle.

10 speakers.

A motion was made by Council Member Kaur, seconded by Council Member Priforce, to approve the staff recommendation for the changes to the selection committee composition and include one member of the BPAC and one community member. The motion was withdrawn by Council Member Kaur.

A substitute motion was made by Vice Mayor Mourra, seconded by Council Member Bauters, to approve the staff recommendation and add one BPAC member. The motion failed by the following vote:

Ayes: 2 - Vice Mayor Mourra, Council Member Bauters
Noes: 2 - Council Member Kaur, Council Member Priforce
Excused: 1 - Mayor Welch

A motion was made by Council Member Kaur, seconded by Council Member Priforce, to approve the staff recommendation and add one BPAC member and two at-large community members. The motion failed by the following vote:

Ayes: 2 - Council Member Kaur, Council Member Priforce
Noes: 2 - Vice Mayor Mourra, Council Member Bauters
Excused: 1 - Mayor Welch

A motion was made by Council Member Bauters, seconded by Council Member Kaur, to approve all applicants in this Resolution. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

Enactment No: Reso No. 24-43

12.2. ID-2024-134 Resolution Of The City Council Of The City Of Emeryville Adopting The Community Grant Subcommittee And Public Art Committee Recommendations To Select Artists Sean Griffin, Joey Rose, Rachel Wolfe Goldsmith, John Patrick Thomas, Salma Arastu, Chris Granillo, And Juan Lopez As The Recipients For The 2024-2026 Visual Arts

Grant Program; Approving The Artworks Proposed By The Recipients; Authorizing The City Manager To Execute Grant Recipient Contracts With The Recipients Or Their Fiscal Agents, As Applicable, For The Installation Of The Proposed Artworks; And Appropriating An Additional \$53,000 From The Public Art Fund (Fund 243) To The Operating Budget For Fiscal Year 2024-2025 For The Visual Arts Grant Program. (Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Attachment 1 - Summary of Applications](#)

[Attachment 2 - Summary of Sites](#)

[Draft Resolution](#)

[Applicant Salma Arastu](#)

[Applicant Chris Granillo](#)

[Applicant Sean Griffin](#)

[Applicant Juan Lopez](#)

[Applicant Joey Rose](#)

[Applicant John Patrick Thomas](#)

[Applicant Rachel Wolfe-Goldsmith](#)

[APPROVED Resolution No. 24-44](#)

Economic Development Coordinator Amber Evans made a presentation and answered Council Member questions.

3 speakers.

A motion was made by Council Member Bauters, seconded by Vice Mayor Mourra, to approve this Resolution as amended and add Packer Jennings as a selected artist, increase the additional funding to \$70,000, and have the location approved by the Public Works Department in consultation with the Public Art Committee. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

Enactment No: Reso No. 24-44

- 12.3. ID-2024-112** Introduction And Waiver Of First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Amending A Portion Of Section 10 Of Ordinance No. 22-013 Related To All-Electric Building Requirements For New Construction; CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15378 And 15061(b)(3). (John Kennedy / Christie Crawl / Mohamed Alaoui)

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

0 speakers.

A motion was made by Council Member Bauters, seconded by Vice Mayor Mourra, to waive first reading and introduce this Ordinance by title only. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

A motion was made by Council Member Bauters, seconded by Council Member Kaur, to adopt the first reading of this Ordinance. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

12.4. ID-2024-139 Tobacco Retailer License And Smoking Pollution Control Ordinances: (John Kennedy / Chadrick Smalley)

Attachments: [Staff Report](#)
[March 19, 2024 Staff Report](#)

8 speakers.

12.4.1.ID-2024-140 Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 42, ("Tobacco Retailer License Requirements"), To Title 5 Of The Emeryville Municipal Code; And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement: CEQA Determination: Exempt Pursuant To Guideline Sections 15378 And 15061(b)(3)

Attachments: [Draft Ordinance - Tobacco Retailer License](#)

A motion was made by Council Member Bauters, seconded by Council Member Kaur, to waive first reading and introduce this Ordinance by title only. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

A motion was made by Council Member Bauters, seconded by Council Member Kaur, to adopt the first reading of this Ordinance with amendments to the compliance monitoring check section. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

12.4.2. ID-2024-141 Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Sections 5-29.02 And 5-29.09 Of Chapter 29, ("Smoking Pollution Control"), Of Title 5 Of The Emeryville Municipal Code To Add And Revise The Definitions For Certain Terms And Repeal The Exception For Private Smokers' Lounges; And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement; CEQA Determination: Exempt Pursuant To Guideline Sections 15378 And 15061(b)(3)

Attachments: [Draft Ordinance - Smoking Pollution Control](#)

A motion was made by Council Member Bauters, seconded by Council Member Kaur, to waive first reading and introduce this Ordinance by title only. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

A motion was made by Council Member Bauters, seconded by Council Member Kaur, to adopt the first reading of this Ordinance. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

12.5. ID-2024-144 Resolution Of The City Council Of The City Of Emeryville Amending The Budget For Fiscal Year 2024. (Lawrence Chiu)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Fiscal Year 2024 Mid-Year Budget Adjustments](#)

[APPROVED Resolution No. 24-45](#)

Finance Director Lawrence Chiu made a presentation and answered Council Member questions.

0 speakers.

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

Ayes: 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused: 1 - Mayor Welch

Enactment No: Reso No. 24-45

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Vice Mayor Mourra requested and received majority support for an item regarding the subcommittee composition for Community Grants.

15. ADJOURNMENT

The meeting adjourned at 9:38 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council.

**/s/ April Richardson, CMC
City Clerk**