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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, May 7, 2024

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:17 p.m.

2. ROLL CALL

Present: 5 - Mayor Courtney Welch
Vice Mayor David Mourra
Council Member John J. Bauters
Council Member Sukhdeep Kaur
Council Member Kalimah A. Priforce

3. APPROVAL OF FINAL AGENDA

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

Ayes: 5 - Mayor Welch, Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

4. SPECIAL ORDERS OF THE DAY

4.1. ID-2024-174 Proclamation Of The City Council Of The City Of Emeryville Proclaiming May 2024 As Water Safety And Drowning Prevention Month. (Mayor Welch)

4.2. ID-2024-175 Proclamation Of The City Council Of The City Of Emeryville Proclaiming May 2024 As Older Americans Month. (Mayor Welch)

4.3. ID-2024-177 Proclamation Of The City Council Of The City Of Emeryville Proclaiming May 2024 As Affordable Housing Month. (Mayor Welch)

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk April Richardson announced that the current annual

recruitment is open and there are 31 vacancies. The application period closes on May 28, 2024, and it is available on the website.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

7. CITY MANAGER'S REPORT

City Manager Paul Buddenhagen made an announcement about Water Safety Day at the ECCL on May 11, the Pancake Breakfast at the Senior Center on May 17, and the Bike to Wherever Day event on May 16, 2024.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported that he spoke with the advocates on item 10.7.

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

There were no public comments.

10. CONSENT ITEMS

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

Ayes: 5 - Mayor Welch, Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

10.1. ID-2024-161 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-2024-164 Action Minutes Of The April 16, 2024, Special City Council Closed Session. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. ID-2024-165 Action Minutes Of The April 16, 2024, Regular City Council Meeting. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. ID-2024-156 Resolution Of The City Council Of The City Of Emeryville Authorizing

The City Manager To Enter Into A Three (3) Three Year Contract In The Amount Of \$420,000 With West Coast Arborist, Incorporated, For Tree Maintenance For FY2024-25 In The Amount Of \$140,000.00, FY2025-26 In The Amount Of \$140,000.00, And FY2026-27 In The Amount Of \$140,000.00 And Authorizing The City Manager To Execute Up To Two (2) Additional One Year Extensions In The Amount Of \$147,000.00 For FY2027-28 And \$154,350.00 For FY2028-29 Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Years For A Total Contract Amount Not To Exceed \$721,350. (Mohamed Alaoui / Daniel Gonzales)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-46

- 10.5. ID-2024-145** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three (3) Year Maintenance Contract With Karla's Janitorial Services And Supply Company Inc. In The Amount Of \$815,927.12 For Janitorial Services At Various City Buildings And Parks For Fiscal Years 2024/25, 2025/26, 2026/27, And Authorizing The City Manager To Execute Up To Two (2) Additional One-year Extensions Not To Exceed \$291,247.91 The First Year, And \$305,810.31 The Second Year Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Year, For A Total Contract Value Not To Exceed \$1,412,985.34. (Mohamed Alaoui / Daniel Gonzales)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-47

- 10.6. ID-2024-155** Second Reading And Adoption 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 Crowl / Mohamed Alaoui)

Attachments: [Staff Report](#)

[Attachment 1 - April 16, 2024 Staff Report](#)

[Draft Ordinance](#)

A motion was made to approve the second reading and adoption of this Ordinance.

Enactment No: Ord No. 24-004

10.7. ID-2024-171 Tobacco Retailer License And Smoking Pollution Control Ordinances: (John Kennedy / Chadrick Smalley)

Attachments: [Staff Report](#)

[April 16th Council Meeting Staff Report](#)

10.7.1.ID-2024-172 Second Reading And Adoption 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: [Amended Draft Ordinance - Tobacco Retailer License](#)

A motion was made to approve the second reading and adoption of this Ordinance.

Enactment No: Ord No. 24-005

10.7.2.ID-2024-173 Second Reading And Adoption 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 to approve the second reading and adoption of this Ordinance.

Enactment No: Ord No. 24-006

- 10.8. ID-2024-191** Resolution Of The City Council Of The City of Emeryville Approving and Adopting An Amendment To The Unrepresented Police Chief Compensation and Benefits In Conformance With California Code of Regulations Title 2, Section 570.5. (Lilybell Nakamura)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Attachment A - Compensation and Benefits Plan for Unrepresented final tracked changes](#)

[Exhibit A - Compensation and Benefits Plan for Unrepresented final clean](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-48

- 10.9. ID-2024-192** Resolution Of The City Council Of The City Of Emeryville Appointing John Bauters As City Representative To Serve On The Alameda County Mosquito Abatement District Commencing Immediately And Ending December 31, 2028, Or Until Replaced; Amending The Publicly Noticed FPPC Form No. 806 As Required By FPPC Regulation 18702.5; And Amending The 2024 City Roster Of County, Regional And Statewide Bodies Accordingly. (April Richardson)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - AC Mosquito Abatement District Roster](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-49

11. PUBLIC HEARINGS

- 11.1. ID-2024-176** Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2024-2025. (Lawrence Chiu / Andrea Arriaga)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Draft Master Fee Schedule \(Redline\)](#)

[Exhibit A - Fiscal Year 2024-2025 Proposed Master Fee Schedule \(Clean\)](#)

PUBLIC HEARING OPENED: 7:41 p.m.

0 speakers.

PUBLIC HEARING CLOSED: 7:41 p.m.

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

Ayes: 5 - Mayor Welch, Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Enactment No: Reso No. 24-50

12. ACTION ITEMS

- 12.1. ID-2024-160** Resolution Of The City Council Of The City Of Emeryville Approving Revised Program Guidelines For The Emeryville First Time Homebuyer Program. (Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A to Resolution - FTHB Program Guidelines](#)

Economic Development Housing Coordinator Valerie Bernardo made a presentation and answered Council Member questions.

1 speaker.

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

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

Noes: 1 - Council Member Priforce

Enactment No: Reso No. 24-51

- 12.2. ID-2024-157** Proposed 2024 State Legislative Agenda. (Paul Buddenhagen / April Richardson)

Attachments: [Staff Report](#)

[Attachment A - Bills To Consider](#)

[Attachment B - Legislative Matrix](#)

Niccolo DeLuca, Vice President of Townsend Public Affairs, Inc. made a presentation and answered Council Member questions.

1 speaker.

A motion was made by Council Member Bauters, seconded by Vice Mayor Mourra, to approve the proposed legislative agenda with the exception of SB 1060 (express verbal interest to the office) and SB 1031 (take no position). The motion carried by the following vote:

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

Abstain: 1 - Council Member Priforce

13. DEPARTMENT HEAD REPORTS

13.1. ID-2024-158 Community Development Director's Report on Planning Commission Actions at the April 25, 2024 meeting:

(a) UC Berkeley - Master of Urban Design, "Advanced Urban Design" Studio, Fall 2023 Student Presentations. Four students will present their Emeryville focused Design Studio projects focusing on "Scarcity and Abundance". In this studio class students are tasked with creating design solutions that not only meet the acute need for housing but also promote sustainable land use and enhance community well-being, steering Emeryville towards becoming a more resilient and vibrant urban area. The students strive to educate future urban planners and designers to navigate and harmonize the complexities of resource scarcity and the richness of opportunity through thoughtful, holistic approaches to design.*

(b) Total Wine & More Retail Store (UP24-001) - Consideration of a Major Conditional Use Permit to allow retail sale of beer, wine, and spirits ("Liquor Sales") in a 25,000-square-foot space within an existing building at 3938 Horton Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects, and the "common sense exemption" at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment. General Plan Land Use Classification: Mixed Use with Residential and Regional Retail Overlay; Zoning District: Mixed Use with Residential (MUR), Regional Retail Overlay (RR), and Pedestrian Priority (PP). (Applicant: Rawlings Consulting/Steve Rawlings)(Owner: HSE Associates, LLC c/o Benderson Development/Rex Burger) (APNs 0070617-020 and -022)**

ID-2024-178 (c) Autocentric and Personal Storage Uses (ORD24-002) - Consideration of a recommendation to the City Council to approve proposed amendments to the Title 9 (Planning Regulations) of the Emeryville Municipal Code) to add new land use classifications to Section 9-2.339 (Motor Vehicle Sales And Services) in Article 3 of Chapter 2; and to make modifications to Table 9-3.202 in Section 9-3.202 (Uses Permitted, Conditionally Permitted and Prohibited) concerning Auto-Related Uses and Indoor Public Storage Uses. This project is exempt from environmental review under State CEQA Guidelines under the "common sense exemption" at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that

the proposal may have a significant effect on the environment.***

*Information Item only.

**The City Council's consideration of a "Finding of Public Convenience or Necessity" for an Alcoholic Beverage Control license related to this project is tentatively scheduled for May 21, 2024

***This item is tentatively scheduled for City Council review on May 21, 2024

The packet for the April 25, 2024 Planning Commission meeting can be viewed <https://www.ci.emeryville.ca.us/Archive.aspx?ADID=5606> online at

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Kaur suggested and received majority support for an item on the next Budget & Governance Committee agenda to review the Advisory Body application to consider adding demographic questions of applicants.

Council Member Priforce requested and received majority support for an item on the next Budget & Governance Committee agenda to review the administrative burden of below-market rate resident certification.

15. ADJOURNMENT

The meeting adjourned at 9:23 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