



Emeryville City Hall  
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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--

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Tuesday, July 2, 2024

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 7:30 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 Kaur, to approve the 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

#### 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

Deputy City Clerk Lorraine Leong announced the opening of a new recruitment for committees vacancies. The deadline to apply is Friday, August 16, 2024, and City Council will make appointments at their meeting on September 3, 2024.

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

There were no announcements or reports heard.

#### 7. CITY MANAGER'S REPORT

There was no report heard.

## 8. EX PARTE COMMUNICATIONS

There were no ex parte communications reported.

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

There were no public comments heard.

## 10. CONSENT ITEMS

### *Approval of the Consent Agenda*

**A motion was made by Vice Mayor Mourra, seconded by Council Member Bauters, 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-2024-266](#) 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-2024-262](#) Action Minutes Of The June 18, 2024, Special City Council Closed Session. (April Richardson)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.3. [ID-2024-263](#) Action Minutes of June 18, 2024, Emeryville City Council Special Meeting. (April Richardson)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.4. [ID-2024-264](#) Action Minutes Of The June 18, 2024, Regular City Council Meeting. (April Richardson)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.5. [ID-2024-259](#) Resolution Of The City Council Of The City Of Emeryville Calling For The General Municipal Election November 5, 2024; Requesting Approval Of Consolidation With The County Of Alameda; Requesting The County Registrar Of Voters Perform Certain Election Services In Connection With The November 5,

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2024 Election; And Authorizing The City Of Emeryville To Reimburse The County Registrar Of Voters For Election Services Performed. (April Richardson)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 24-82](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 24-82

- 10.6.** [ID-2024-255](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept An In-Lieu Reimbursement From BMR-Center Of Innovation Holdco LP For Grinding And Paving Hollis Street Between Powell Street And 45th Street For The Not To Exceed Amount Of \$550,000 As Fulfillment Of That Portion Of Exhibit O - Mitigation Measures And Conditions Of Approvals For The BMR-Emery Yards Project (FDP 19-002) With Funds To Be Appropriated To Fund 473 Project Number 24221005. (Mohamed Alaoui / Michael Roberts)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 24-83](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 24-83

- 10.7.** [ID-2024-256](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Adding Two New Land Use Classifications To Section 9-2.339 ("Motor Vehicle Sales And Services") In Article 3 Of Chapter 2 Of Title 9 Of The Emeryville Municipal Code; Adding A New Definition To Section 9-8.201 ("A" Terms) In Article 2 Of Chapter 8 Of Title 9; And Modifying Table 9-3.202 In Section 9-3.202 (Uses Permitted, Conditionally Permitted And Prohibited) In Article 2 Of Chapter 3 Of Title 9; Concerning Certain Auto-Related Uses And Indoor Public Storage Uses (CEQA Determination: Exempt Pursuant To Guidelines Section 15061(B)(3)). (Chadrick Smalley / Miroo Desai)

**Attachments:** [Staff Report](#)

[Attachment 1 - June 4 2024 Staff Report](#)

[Proposed Ordinance](#)

[APPROVED Ordinance No. 24-008](#)

**A motion was made to approve this Ordinance.**

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Enactment No: Ord No. 24-008

- 10.8.** [ID-2024-269](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending Public Safety Regulations In Title 4 Of The Emeryville Municipal Code Regarding Speed Limits (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Mohamed Alaoui)

**Attachments:** [Staff Report](#)

[June 18 Staff Report](#)

[Proposed Ordinance](#)

[Exhibit A](#)

[Exhibit B](#)

[APPROVED Ordinance No. 24-009](#)

**A motion was made to approve this Ordinance.**

Enactment No: Ord No. 24-009

- 10.9.** [ID-2024-268](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Andrew Davidson DBA Second Sight Video & Multimedia For Fiscal Years 2024-2025 And 2025-2026, To Provide Broadcasting, Recording And Related Services For A Total Amount Of \$116,000.00. (April Richardson / Lorryne Leong)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 24-84](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 24-84

- 10.10.** [ID-2024-260](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept And Expend A Grant On Behalf Of The Police Department From The CHP Cannabis Tax Fund Grant Program (CTFGP) In The Amount Of \$202,343.24 For Reducing Impaired Driving And Improving Traffic, Bicycle, And Pedestrian Safety Within The City. (Jeff Jennings / Oliver Collins)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 24-85](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 24-85

- 10.11. [ID-2024-270](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager Accept A Donation From IKEA To Provide In-Kind Items For The Beautification Of The Teen Center, Located at the Emeryville Center of Community Life (ECCL) In the Amount Of Six Thousand Nine Hundred and Two Dollars (\$6,092). (Rebecca Sermeno / Christen Gray)

**Attachments:** [Staff Report](#)

[Teen Center Items List](#)

[Teen Center Layout](#)

[Draft Resolution](#)

[APPROVED Resolution No. 24-86](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 24-86

## 11. PUBLIC HEARINGS

- 11.1. [ID-2024-275](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2025. (Lawrence Chiu / Andrea Arriaga)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

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

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

[APPROVED Resolution No. 24-87](#)

City Council waived staff presentation.

PUBLIC HEARING OPENED: 7:32 p.m.

No public comments were heard.

PUBLIC HEARING CLOSED: 7:33 p.m.

**A motion was made by Council Member Bauters, seconded by Vice Mayor Mourra, 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. 24-87

- 11.2. [ID-2024-274](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2025 Property And Business Improvement District (PBID) Annual Assessment Levy For The Respective Parcels Within The Improvement District With A 3% Rate Increase On All Parcels,

And Approving The Preliminary Budget Submitted By The Emeryville Transportation Management Association (ETMA) For Service Year 2025. (Lawrence Chiu)

**Attachments:** [Staff Report](#)  
[ETMA 2025 Preliminary Budget](#)  
[ETMA 2023 Annual Report](#)  
[ETMA 2014-2024 Ridership Report](#)  
[Fiscal Year 2025 Preliminary Assessment Levy 3% Increase](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 24-88](#)

City Council waived staff presentation.

PUBLIC HEARING OPENED: 7:33 p.m.

No public comments were heard.

PUBLIC HEARING CLOSED: 7:34 p.m.

**A motion was made by Council Member Bauters, seconded by Vice Mayor Mourra, 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. 24-88

## 12. ACTION ITEMS

## 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2024-258](#) Community Development Director's Report on Planning Commission Actions at the June 27, 2024 meeting:

(a) Update on Reach Codes - City's Environmental Services staff will provide an update on the status of Reach codes in Emeryville and in the state in general.\*

(b) Temporary Women's Emergency Shelter (UP23-002) - Consideration of a modification to the Conditions of Approval of the Conditional Use Permit for the Temporary Emergency Women's Shelter located at 4300 San Pablo Avenue and approved by the Planning Commission on March 23, 2023. This modification relates to the Condition of Approval that establishes the approval duration extending it from the current expiration date of June 30, 2024 to December 31, 2024. CEQA Status: This project is exempt from environmental review under California State CEQA Guidelines Section 15301, which applies to minor alteration of existing structures involving negligible or no expansion of use, and the "common sense exemption"

at State CEQA Guidelines 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, Major Transit Hub, and Neighborhood Retail Overlay; Zoning District: Mixed Use with Residential (MUR), Transit Hub Overlay (TH), Neighborhood Retail Overlay (RR) and Pedestrian Priority Zone (PP) (Applicant: Berkeley Food and Housing Project - Angela Upshaw) (Owner: City of Emeryville) (APNs: 49-1079-14-1 and -17-1)

(c) Acquisition of Property Findings (1245 Powell Street) Consideration of findings required by Government Code §65402 in order for the City to acquire a 12,800 square foot parcel located at 1245 Powell Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15061(b) (3), the “common sense exemption”, 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; Zoning District: Mixed Use with Residential (MUR) (APN: 49-1314-1-1)\*\*

(d) Update to Accessory Dwelling Units Ordinance (ORD24-003) Consideration of a recommendation to the City Council to approve proposed amendments to Article 14 of the Planning Regulations (Title 9 of the Emeryville Municipal Code) to make State-mandated changes related to Accessory Dwelling Units and Junior Accessory Dwelling Units. The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) under Public Resources Code §21080.17, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code §65852.2 pertaining to Accessory Dwelling Units

\*Information item only

\*\*This item is tentatively scheduled for City Council action on September 3, 2024

\*\*\*This item is tentatively scheduled for City Council action on July 16, 2024

The agenda packet for the June 27, 2024 Planning Commission meeting can be viewed online at <<https://www.ci.emeryville.ca.us/Archive.aspx?ADID=5626>>

Community Development Director Chadrick Smalley gave a report of the June 27, 2024, Planning Commission meeting.

**14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

Vice Mayor Mourra requested and received majority support for an item to be presented at the next meeting of the Budget and Governance Committee to review overtime fees for the Emeryville Police Department, and to update the Master Fee Schedule accordingly.

**15. ADJOURNMENT**

The meeting adjourned at 7:38 p.m.