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## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

Members:

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

--AMENDED--

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Tuesday, June 6, 2023

7:16 PM

Council Chambers / Teleconference

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#### 1. CALL TO ORDER

The meeting was called to order at 7:18 p.m.

#### 2. ROLL CALL

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

#### 3. APPROVAL OF FINAL AGENDA

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

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

#### 4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2023-211](#) Proclamation Of The City Council Of The City Of Emeryville Recognizing June 2023 As LGBTQI+ Pride Month In The City Of Emeryville. (Mayor John J. Bauters)

**Attachments:** [Proclamation](#)

- 4.2. [ID-2023-217](#) Proclamation Of The City Council Of The City Of Emeryville Recognizing June 19, 2023, As Juneteenth Freedom Day In The City Of Emeryville. (Mayor John J. Bauters)

**Attachments:** [Proclamation](#)

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

City Clerk April Richardson announced that the current recruitment closes on June 26, 2023. More information and the application is available on the website.

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

Mayor Bauters reported on the Alameda County Transportation Commission meeting where they voted to approve funding for Emeryville projects including the 40th Street project, San Pablo safety improvements, Doyle Street, and for the Emery Go-Round.

**7. CITY MANAGER'S REPORT**

City Manager Paul Buddenhagen did not present a report.

**8. EX PARTE COMMUNICATIONS**

Vice Mayor Welch reported speaking with Kathy Leonard on item 10.5.

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

There were no public comments.

**10. CONSENT ITEMS**

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

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

**10.1. [ID-2023-208](#) 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-2023-202](#) Action Minutes Of The May 16, 2023, Special City Council Closed Session. (April Richardson)**

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

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

**10.3. [ID-2023-203](#) Action Minutes Of The May 16, 2023, Special City Council Study Session. (April Richardson)**

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

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

- 10.4.** [ID-2023-205](#) Action Minutes Of The May 16, 2023, City Of Emeryville Regular City Council Meeting. (April Richardson)

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

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

- 10.5.** [ID-2023-193](#) Resolution Of The City Council Of The City Of Emeryville Supporting Removal Of Cuba From The U.S. State Sponsors Of Terrorism List. (Courtney Welch)

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

[Letters](#)

[Draft Resolution](#)

[APPROVED Resolution No. 23-59](#)

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

Enactment No: Reso No. 23-59

- 10.6.** [ID-2023-210](#) Resolution Of The City Council Of The City Of Emeryville Amending The Local Boards, Commissions, and Committees Rules Of Procedure For Teleconferencing And Public Comment During Hybrid Meetings. (April Richardson)

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

[Draft Resolution](#)

[Exhibit A - Draft Committee Rules of Procedure](#)

[APPROVED Resolution No. 23-60](#)

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

Enactment No: Reso No. 23-60

- 10.7.** [ID-2023-221](#) Amendments to Advisory Committees Regular Meeting Schedules: (April Richardson / Lorraine Leong)

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

- 10.7.1.** [ID-2023-222](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Community Services Committee; And Amending The FY2022-23 Local Roster Of Boards, Commissions And Committees Accordingly

**Attachments:** [Draft Resolution - Community Services Committee](#)  
[Exhibit A - Community Services Committee Roster](#)  
[APPROVED Resolution No. 23-61](#)

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

Enactment No: Reso No. 23-61

- 10.7.2. [ID-2023-223](#)** Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Parks and Recreation Committee; And Amending The FY2022-23 Local Roster Of Boards, Commissions And Committees Accordingly

**Attachments:** [Draft Resolution - Parks and Recreation Committee](#)  
[Exhibit A - Parks and Recreation Committee Roster](#)  
[APPROVED Resolution No. 23-62](#)

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

Enactment No: Reso No. 23-62

- 10.7.3. [ID-2023-225](#)** Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Public Safety Committee; And Amending The FY2022-23 Local Roster Of Boards, Commissions And Committees Accordingly

**Attachments:** [Draft Resolution - Public Safety Committee](#)  
[Exhibit A - Public Safety Committee Roster](#)  
[APPROVED Resolution No. 23-63](#)

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

Enactment No: Reso No. 23-63

- 10.8. [ID-2023-199](#)** Resolution Of The City Council Of The City Of Emeryville Approving Artists Naomi VanDoren, Michele Th  berge, Jess Cook, Lisa Rock, Gr  goire Vion, And Erin Fong, And Alternates Salma Arastu And Muna Abdulahi For The Sharon Wilchar Bus Shelter Art Program - Phase VII And Authorizing The City Manager To Execute Agreements With The Approved Artists For Final Design Of The Art Works In Amounts Not To Exceed \$5,000 For Each Artist. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Artist Proposals](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-64](#)

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

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Enactment No: Reso No. 23-64

- 10.9.** [ID-2023-195](#) Resolution Of The City Council Of The City of Emeryville Accepting The Point Emery Shoreline Protection Project, Project No. EPW-18101 (CIP No. 16475021), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk And Authorizing The City Manager To Enter Into A Second Amendment To The Contract With Brannon Corporation, Inc. To Increase The Total Compensation Amount By \$3,535 For A Total Not To Exceed Amount Of \$877,574; For The Point Emery Shoreline Protection Project, Project No. EPW-18101 (CIP No. 16475021). (Mohamed Alaoui / Michael Roberts)

**Attachments:** [Staff Report](#)  
[Construction Contract](#)  
[Construction Contract - 1st Amendment](#)  
[Draft Resolution](#)  
[Construction Contract - 2nd Amendment](#)  
[Exhibit A-2](#)  
[APPROVED Resolution No. 23-65](#)

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

Enactment No: Reso No. 23-65

## **11. PUBLIC HEARINGS**

- 11.1.** [ID-2023-187](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Emery Cove Inc. For Weekend And Night Work Related To Marina Dredging As Part Of The Marina Navigation Channel Maintenance Dredging Program (CIP No. 19495003) 300 Feet After The Breakwater In The Outer Channel Outside The Marina Harbor To Occur On Dates To Be Determined Between June 7, 2023, And November 30, 2023 (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(B)(3)). (Mohamed Alaoui)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-66](#)

Public Works Director Mohamed Alaoui gave a presentation and answered Council Member questions.

PUBLIC HEARING OPENED: 7:30 p.m.

There were no public comments.

PUBLIC HEARING CLOSED: 7:31 p.m.

**A motion was made by Council Member Mourra, seconded by Vice Mayor Welch, to approve this Resolution and administratively amend to include no work on recognized holidays. The motion carried by the following vote:**

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

Enactment No: Reso No. 23-66

## 12. ACTION ITEMS

- 12.1. [ID-2023-201](#) Resolution Of The City Council Of The City Of Emeryville Rescinding The Commercial Property Transfer Tax Policy, Amending The City's Expenditure And Reserve Policies, And Adopting A Real Property Transfer Tax Policy. Lawrence Chiu / Monica Centeno)

**Attachments:** [Staff Report](#)  
[Attachment A - Proposed Real Property Transfer Tax Policy](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-67](#)

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

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

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

Enactment No: Reso No. 23-67

- 12.2. [ID-2023-212](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Operating Budget For Fiscal Years 2024 And 2025 ("Operating Budget"), And Appropriating Funds For Fiscal Years 2024 And 2025. (Lawrence Chiu / Monica Centeno)

**Attachments:** [Staff Report](#)  
[Attachment A - Proposed Budget for Fiscal Years 2024 and 2025 \(large file\)](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-68](#)

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

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

Enactment No: Reso No. 23-68

- 12.3.** [ID-2023-198](#) Resolution Of The City Council Of The City of Emeryville Adopting The Capital Improvement Program For The City Of Emeryville For The 2023-2024 Through 2027-2028 Fiscal Years, And Authorizing Appropriations For The 2023-2024 And The 2024-2025 Funding Cycles Of The City Emeryville Five Year Capital Improvement Program. (Mohamed Alaoui / Josie Ahrens)

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

[Appendix A CIP Project Summary](#)

[Appendix B CIP Capital Project Funds](#)

[Appendix C CIP Revenues](#)

[Appendix D Public Survey Summary and Results](#)

[Draft Resolution](#)

[Exhibit A - CIP Book Final Draft](#)

[APPROVED Resolution No. 23-69](#)

Public Works Management Analyst Josie Ahrens gave a presentation and answered Council Member questions.

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

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

**Noes:** 1 - Council Member Priforce

Enactment No: Reso No. 23-69

- 12.4.** [ID-2023-215](#) Resolution Of The City Council Of The City Of Emeryville Adopting An Appropriations Limit For The Fiscal Year 2024 of \$141,294,720. (Lawrence Chiu / Monica Centeno)

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

[Draft Resolution](#)

[Attachment A - Gann Appropriations Limit Calculation Fiscal Year 2024](#)

[APPROVED Resolution No. 23-70](#)

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

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

Enactment No: Reso No. 23-70

## 13. DEPARTMENT HEAD REPORTS



- 13.1.** [ID-2023-200](#) Planning Director's report on Planning Commission actions at the May 25, 2023 meeting:

(a) Capital Improvement Program. Review of the proposed Capital Improvement Program (CIP) 2023-2028 for consistency with the Emeryville General Plan pursuant to California Government Code Section 65403(c).

(b) Shellmound Way General Plan Amendment. Consideration of a General Plan Amendment to revise the location of Shellmound Way such that it coincides with its current location approximately 250 feet south of what is shown on General Plan Figure 3-1, "Circulation", and other maps in the General Plan.\*

\* Note: This item has been continued to the August 24 Planning Commission meeting to allow for the 90-day period for California Native American tribes to request consultation as required by California Government Code Section 65352.3(a).

The packet for the May 25, 2023 Planning Commission meeting can be viewed online at <https://www.ci.emeryville.ca.us/ArchiveCenter/ViewFile/Item/5436>

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

#### **15. ADJOURNMENT**

**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**