



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--

Tuesday, October 15, 2024

7:16 PM

Council Chambers

1. CALL TO ORDER

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

2. ROLL CALL

Council Member Bauters participated via teleconference per the Brown Act. His remote location was listed on the agenda.

Present: 4 - Mayor Courtney Welch
Vice Mayor David Mourra
Council Member John J. Bauters
Council Member Sukhdeep Kaur

Absent: 1 - 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 final agenda. The motion carried by the following vote:

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

Absent: 1 - Council Member Priforce

4. SPECIAL ORDERS OF THE DAY

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

7. CITY MANAGER'S REPORT

Assistant City Manager Pedro Jimenez announced that the Pool of Pumpkins is happening on October 19 at the ECCL and there will be a

Movie in the Park at Huchiun Park on October 25.

8. EX PARTE COMMUNICATIONS

Vice Mayor Mourra reported a discussion with Upside Foods on item 11.1.

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 Mourra, seconded by Council Member Kaur, to approve the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Council Member Priforce

10.1. ID-2024-392 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-2024-391 Action Minutes Of The September 26, 2024, Special City Council / Management of Emeryville Services Authority Closed Session Meeting. (April Richardson / Lorryne Leong)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. ID-2024-386 Action Minutes Of The October 1, 2024, Special City Council Closed Session Meeting. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. ID-2024-388 Action Minutes Of The October 1, 2024, Regular City Council Meeting. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.5. ID-2024-395 Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract With The California

Department Of Education For The Purpose Of Providing Child Care And Development Services And To Authorize The City Manager To Sign Contract Documents For Fiscal Year 2025-26, The Continuing Funding Application, And All Related Contract Documents And Any Future Amendments And Appropriate Said Funds When Received To Accounts 230-53600 And 230-52300. (Rebecca Sermeno)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Continued Funding Application 25-26](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-122

- 10.6. ID-2024-390** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Option To Extend The Professional Services Contract With IPS Group, Inc. For Fiscal Years 2025-2029 For A Total Amount Not To Exceed \$780,309 For Continued Management Of Paid Parking In The North Hollis And Triangle Commercial Areas. (Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Attachment 1 - IPS Contract](#)
[Draft Resolution](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-123

- 10.7. ID-2024-383** Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending Article 14 Of Chapter 5 Of Title 9 (Planning Regulations) Regarding Accessory Dwelling Units And Junior Accessory Dwelling Units (CEQA Status: Exempt Pursuant To Public Resources Code Section 21080.17, Which Provides That CEQA Does Not Apply To The Adoption Of An Ordinance To Implement The Provisions Of Article 2 [Commencing with Section 66314] Of Chapter 13 Of Division 1 Of Title 7 Of The California Government Code Section Pertaining To Accessory Dwelling Units). (Chadrick Smalley / Miroo Desai / Alyssa Chung)

Attachments: [Staff Report](#)
[Attachment 1 - Memo to Council 9.17.24](#)
[Attachment 2 - Staff Report to Council 9.17.24](#)
[Proposed Ordinance](#)

A motion was made to approve this Ordinance.

Enactment No: Ord No. 24-011

- 10.8. ID-2024-397** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The First Amendment To The Regulatory Agreement Between The City Of Emeryville And Avalon Senior Housing, L.P, For Avalon Senior Apartments At 3850 San Pablo Avenue To Increase The Average Income Limits From 37% Of Area Median Income To 40% Of Area Median Income. (Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - First Amendment to Regulatory Agreement](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-124

- 10.9. ID-2024-352** Resolution Of The City Council Of The City Of Emeryville Approving The Plans And Specifications Of The Doyle Street Bicycle Improvements - Phase 3 Project, Authorizing The City Manager To Increase The Contract Amount And Approve A Change Order To Bay Cities Construction Up To An Amount Not To Exceed \$400,000 To Construct Said Project, Appropriating \$119,000 From Unallocated Fund 475 And \$354,000 From Fund 254-ACTC PFA Grant Fund To The Project Budget, And Finding This Project To Be Exempt From Environmental Review Under State CEQA Guidelines Sections 15301(c) And 15061(b)(3). (Mohamed Alaoui / Michael Roberts)

Attachments: [Staff Report](#)

[Letter of Support \(Doyle\) - Bike East Bay](#)

[Letter of Support \(All\) - Park and Rec](#)

[Letter of Support \(All\) - ETMA](#)

[Draft Resolution](#)

[Doyle Street Phase 3 Plan](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-125

- 10.10. ID-2024-410** Authorization To Apply For Alameda County Transportation Commission Grants: (Mohamed Alaoui / Phillip Toste)

Attachments: [Staff Report](#)

[Attachment A - ACTC 2026 CIP Program Guidelines](#)

- 10.10. ID-2024-417** Resolution Of The City Council Of The City Of Emeryville
1. Authorizing The Filing Of An Application For Alameda County Transportation Commission Administered Funding For The 40th

Street Multimodal Improvements Project Part II And Committing Any Necessary Matching Funds And Stating Assurances To Complete The Project.

Attachments: [Draft Resolution 40th Street Multimodal](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-126

- 10.10. ID-2024-418** Resolution Of The City Council Of The City Of Emeryville Authorizing The Filing Of An Application For Alameda County Transportation Commission Administered Funding For Emery Go-Round Operating Expenses And Committing Any Necessary Matching Funds And Stating Assurances To Complete The Project.
- 2.**

Attachments: [Draft Resolution Emery Go-Round](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-127

11. PUBLIC HEARINGS

- 11.1. ID-2024-384** Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To UPSIDE Foods For Work On 14 Specified Weekends Starting November 2, 2024 And Concluding February 23, 2024 Between The Hours Of 8:00 A.M. And 7:00 P.M And On December 21 and 22, 2024 Between The Hours Of 8:00 A.M. And 8:00 P.M For The Installation Of Large Specialized Equipment That Requires Crane Work, Concrete Pouring, Equipment Rigging, Welding, Forklift Operation And The Use Of Hand Tools At 6201 Shellmound Street (APN: 49-1556-7) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Chadrick Smalley / Miroo Desai / Navarre Oaks)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A to Resolution - Waiver Request](#)

PUBLIC HEARING OPENED: 7:23 p.m.

0 speakers.

PUBLIC HEARING CLOSED: 7:23 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: 4 - Mayor Welch, Vice Mayor Mourra, Council Member Bauters, and Council Member Kaur

Absent: 1 - Council Member Priforce

Enactment No: Reso No. 24-128

12. ACTION ITEMS

- 12.1. ID-2024-402** Resolution Of The City Council Of The City Of Emeryville Approving The Purchase Of An Artwork For The City's Annual Purchase Award Program Entitled "Lanzón de Chavin Totem" By Roberto Gastelumendi With Funding Of Up To \$37,850 From The Public Art Fund (Fund 243) For The Purchase And Installation Of The Artwork; Acknowledging William Schwob's "Past Future Figure" and Jeannie O'Connor's "Curved Wall" As The Honorable Mentions; And Appropriating \$12,850 From Fund 243 To The Fiscal Year 2024-2025 Operating Budget For The Purchase. (Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Attachment 1 - Artwork Images](#)

Economic Development Public Art Coordinator Amber Evans 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 this Resolution. The motion carried by the following vote:

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

Absent: 1 - Council Member Priforce

Enactment No: Reso No. 24-129

- 12.2. ID-2024-385** Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Various Municipal Code Provisions To Eliminate Or Modify Criminal Penalties, Identified As "Group III Amendments;" Repealing Chapter 2 ("Advertising") And Chapter 8 ("Gas, Water And Electric Meters") Of Title 5 ("Public Welfare") In Their Entirety; CEQA Determination: Not A Project And Exempt Pursuant To CEQA Guidelines Sections 15378(b)(5) And 15061 (b)(3). (John Kennedy / Christie Crowl)

Attachments: [Staff Report](#)

[Draft Ordinance \(Group III Amendments\) --REVISED--](#)

[Exhibit 1 to Attachment A \(EMC 5-9 Intoxication\) RED-LINED](#)

[Exhibit 2 to Attachment A \(EMC 1-2\) RED-LINED](#)

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 - Mayor Welch, Vice Mayor Mourra, Council Member Bauters, and Council Member Kaur

Absent: 1 - Council Member Priforce

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

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

Absent: 1 - Council Member Priforce

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

The meeting adjourned at 7:44 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**