



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, November 19, 2024

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:46 p.m.

2. ROLL CALL

Council Member Kaur and Mayor Welch participated remotely under the "just cause" provision provided by AB2449. Following roll call, they both stated that no one over 18 was present at their locations. Vice Mayor Mourra was the Presiding Officer for the meeting.

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 Council Member Kaur, seconded by Mayor Welch, 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

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk April Richardson announced that Charice Duckworth resigned from the Housing Committee.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

7. CITY MANAGER'S REPORT

8. EX PARTE COMMUNICATIONS

All five members had communications and emails with Buttner, Bolas, and other property owners on item 12.5.

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

1 speaker.

10. CONSENT ITEMS

A motion was made by Council Member Bauters, seconded by Council Member Kaur, 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-2024-434](#) Warrants. (Lilybell Nakamura)

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

A motion was made to accept this Informational Report.

10.2. [ID-2024-427](#) Action Minutes Of The October 21, 2024, Special City Council / Management of Emeryville Services Authority Closed Session Meeting. (April Richardson / Lorraine Leong)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2024-440](#) Action Minutes Of The November 5, 2024, Special City Council Closed Session Meeting. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2024-441](#) Action Minutes Of The November 5, 2024, Special City Council Meeting. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.5. [ID-2024-438](#) Resolution Of The City Council Of The City Of Emeryville Designating The City Manager, Assistant City Manager And The Finance Director, On Behalf Of The City, To Be The Authorized Agents To Engage With The Federal Emergency Management Agency (FEMA) And The Governor's Office Of Emergency Services (Cal OES) Regarding

Grants Applied For By The City Of Emeryville. (Jeff Jennings / Fred Dauer)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Cal OES Form 130](#)
[APPROVED Resolution No. 24-133](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-133

- 10.6.** [ID-2024-431](#) Annual Development Impact Fees Report - Fiscal Year 2023-2024. (Chadrick Smalley / Miroo Desai)

Attachments: [Staff Report](#)
[Attachment 1 - Public Facilities Funded by Development Impact Fees](#)
[Attachment 2 - Impact Fees Revenues Expenditures and Fund Balances - FY23-24](#)
[Attachment 3 - Impact Fee Budgets from FY 24-FY25 Budget](#)
[Attachment 4 - Development Impact Fees 2024-2025](#)

A motion was made to accept this Informational Report.

- 10.7.** [ID-2024-433](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Submit An Application For Transit Oriented Communities (TOC) and Planning Implementation Grant Funds From The Metropolitan Transportation Commission (MTC) For An Amount Up to \$1,700,000. (Chadrick Smalley / Miroo Desai / Valerie Bernardo)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 24-134](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-134

- 10.8.** [ID-2024-430](#) Second Reading And Adoption 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](#)[Attachment 1 - October 15th Staff Report](#)[Draft Ordinance - 2nd Reading](#)[Exhibit 1 to Ordinance - \(EMC 5-9 Intoxication\) RED-LINED](#)[Exhibit 2 to Ordinance - \(EMC 1-2\) RED-LINED](#)[APPROVED Ordinance No. 24-012](#)**A motion was made to approve this Ordinance.**

Enactment No: Ord No. 24-012

- 10.9.** [ID-2024-445](#) Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (ETMA) 2025 Budget And Setting Compensation To The ETMA To Operate The Emery Go-Round Shuttle Service During The 2025 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Four Million, Six Hundred And Forty Thousand, And Eight Hundred Eighty Seven Dollars (\$4,640,887); And Authorizing An Additional Six Hundred And Thirty Nine Thousand, Nine Hundred Sixty Six Dollars (\$639,966) From The Emeryville Property Based Business Improvement District (PBID) Fund 805 To Cover Additional General Benefit Contribution. (Pedro Jimenez)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - 2025 ETMA Budget](#)[APPROVED Resolution No. 24-135](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 24-135

- 10.10.** [ID-2024-444](#) Resolution Of The City Council Of The City Of Emeryville To Increase The Community Promotions Grant Subcommittee To Five Members And Change Participation To Include One Member From Each-Parks And Recreation Committee, Commission On Aging, Public Art Committee, And Economic Development Advisory Committee; And A Fifth Member To Be Selected From An Open Application Process From All Other Committees. (Rebecca Sermeno)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - Community Promotions Grant Subcommittee Roster](#)[APPROVED Resolution No. 24-136](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 24-136

- 10.11. [ID-2024-447](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Three-Year Contract With An Option For Two One-Year Extensions With MuniServices, LLC For Sales And Use Tax Audit (SUTA) And Utilities User Tax (UUT) Franchise Administration And Compliance Consultant Services For A Total Amount Not To Exceed \$160,000 For Five Years Effective January 1, 2025. (Lilybell Nakamura / Peggy Xu)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - MuniServices, LLC Professional Services Contract](#)
[APPROVED Resolution No. 24-137](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 24-137

11. PUBLIC HEARINGS

12. ACTION ITEMS

- 12.1. [ID-2024-451](#) Resolution Of The City Council Of The City Of Emeryville Approving An Agreement Of Employment Between The City Of Emeryville And LaTanya Bellow As City Manager And Authorizing The Mayor To Execute Said Agreement On Behalf Of The City. (Courtney Welch / Lilybell Nakamura)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Employment Contract](#)
[APPROVED Resolution No. 24-138](#)

1 speaker.

A motion was made by Council Member Bauters, seconded by Mayor Welch, 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. 24-138

- 12.2. [ID-2024-425](#) Resolution Of The City Council Of The City Of Emeryville Selecting The Proposal From Sijia Chen Of Sijia Chen Studio For The 40th Streetscape Public Art Project; Authorizing The City Manager To Execute An Agreement With Artist Sijia Chen For The Design, Fabrication And Installation Of The 40th Streetscape Public Art Project In An Amount Not To Exceed \$500,000; And Appropriating \$25,000

From The Public Art Fund (Fund 243) To The Fiscal Year 2024-2025 Budget For CIP Project No. COF-03. (Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Attachment 1 - Finalist Proposals](#)
[Draft Resolution](#)
[Exhibit A to Resolution - Artist Agreement](#)
[APPROVED Resolution No. 24-139](#)

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

2 speakers.

A motion was made by Council Member Bauters, seconded by Mayor Welch, 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. 24-139

- 12.3.** [ID-2024-437](#) Resolution Of The City Council Of The City Of Emeryville Approving And Accepting The Emeryville Police Department's 2024 Annual Military Equipment Use Report Pursuant To Government Code Section 7071 And Renewing City Of Emeryville Ordinance No. 22-006 "Approving Emeryville Police Department Policy Manual Policy 707-Military Equipment". (Jeff Jennings / John Kennedy)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A – Police Department 2024 Annual Report Inventory List](#)
[APPROVED Resolution No. 24-140](#)

0 speakers.

A motion was made by Council Member Bauters, seconded by Mayor Welch, 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. 24-140

- 12.4.** [ID-2024-449](#) 2024-25 Fiscal Year Budget Update & Proposed Budget Strategies. (Lilybell Nakamura / Brian Moura)

Attachments: [Staff Report](#)

Financial Consultant Brian Moura made a presentation and answered

Council Member questions.

0 speakers.

The City Council accepted this Informational Report.

- 12.5.** [ID-2024-446](#) 40th Street Multimodal Project Staff Update on Traffic Analysis, Grant Efforts, and Project Schedule; And: (Mohamed Alaoui)

Attachments: [Staff Report](#)

[Attachment A Project Overview Map](#)

[Attachment B 40th Traffic Analysis Part I](#)

[Attachment C 40th Traffic Analysis Part II](#)

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

The City Council accepted this Informational Report.

- 12.5.1.** [ID-2024-450](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Second Amendment To The Professional Services Contract With Diablo Engineering Group For Additional Services As Described In Exhibit A, And Increase The Total Compensation By \$597,517.00 From Unallocated Fund 475, For A Total Amount Not To Exceed \$3,572,995.84

Attachments: [Attachment D Professional Services Contract](#)

[Attachment E Professional Services Contract - 1st Amendment](#)

[40th Street Draft Resolution](#)

[Exhibit A Diablo Engineering Draft PSC 2nd Amendment](#)

[APPROVED Resolution No. 24-141](#)

Council Member Kaur was absent 8:46 p.m. - 9:45 p.m.

7 speakers.

A motion was made by Council Member Bauters, seconded by Mayor Welch, 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. 24-141

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

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

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