



CITY OF EMERYVILLE

AGENDA

City Council

Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
www.emeryville.org

Members:

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

--AMENDED--

Tuesday, April 16, 2024

7:16 PM

Council Chambers

**This meeting is being conducted in-person at
1333 Park Avenue, Emeryville, California**

Please note the following change to the City's public comment procedures: Unless a Councilmember is participating in the meeting remotely pursuant to AB 2449, remote public comment will not be accepted. Public comment may be provided in-person or via email, as set forth below. Members of the public desiring to provide comments as a part of the meeting are encouraged to either submit written comments by 3:00 p.m. prior to the meeting or to attend the meeting in person.

Public comment for Council agenda items can be submitted online via our written comment card at www.emeryville.org/citycouncil. Written comments can also be submitted by email to city_council@emeryville.org or to the City Clerk at city_clerk@emeryville.org. If you would like to support, oppose, or otherwise comment on an upcoming agenda item, please send in your comments prior to the meeting.

The link below allows public viewing of the meeting (no public comment via Zoom):

Please click the link below to join the webinar:

https://emeryville-org.zoom.us/j/83492045311?pwd=sLzGaM8xrn4K5GBJ3ycTXwD3CHu8xg.V8_pyTpGDw4IJFtn

Passcode: 607843

Telephone: 669-900-6833

Webinar ID: 834 9204 5311

Passcode: 607843

A complete copy of the agenda packet is available for viewing at the Information Center at City Hall, located at 1333 Park Avenue, Emeryville, California, and on the city's website at www.emeryville.org/citycouncil. Before the Council meeting, all writings that are public records and relate to an agenda item below which are distributed to a majority of the legislative body less than 72 hours prior to the meeting noticed above will be made available as "late correspondence" and will be published on the agenda beneath the relevant agenda item. Copies will also be available at the Information Counter at City Hall during normal business hours. The meeting is shown live on the City of Emeryville television channel (ETV), cable channel 27, and will be rebroadcast as part of the regular City Council, Successor Agency, Management of Emeryville Services Authority, and related meetings, according to the published ETV schedule of programs. Council meetings will also be available to view through live media streaming accessible from the City of Emeryville website at

www.emeryville.org/citycouncil.

You can request free copies of the Emeryville City Council, Successor Agency, Management of Emeryville Services Authority, and related agendas, in digital format by going to our website at www.emeryville.org/notifyme. Simply fill out your information, check "City Council Agendas", and click the "Subscribe" button. By doing so, you will automatically receive all of the agendas for the year via email and/or text.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to adopt. Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Presiding Officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the Hearing is closed and brought back to Council level for discussion and action. There is no further comment permitted from the audience unless requested by the Council.

No animals shall be allowed at or brought in to a public meeting by any person except (i) as to members of the public or City staff utilizing the assistance of a service animal, which is defined as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability; or (ii) as to police officers utilizing the assistance of a dog(s) in law enforcement duties.

In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this meeting should contact the City Clerk's Office at 510-596-4300, as far in advance as possible, but no later than 72 hours before the scheduled event. The best effort to fulfill the request will be made. Assistive listening devices are available for anyone with hearing difficulty from the City Clerk prior to the meeting and must be returned to the City Clerk at the end of the meeting.

Public Comment: Each speaker is limited to three minutes to present their comments to the City Council at each speaking opportunity. At the discretion of the Presiding Officer, time limits may be further adjusted.

The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council, Successor Agency, Management of Emeryville Services Authority, or related meeting. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Council meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

The AGENDA for this regular meeting is as follows:

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF FINAL AGENDA**
4. **SPECIAL ORDERS OF THE DAY**
 - 4.1. [ID-2024-132](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming April 19, 2024, As Education And Sharing Day. (Mayor Welch)
 - 4.2. [ID-2024-131](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming April 21-27, 2024, As National Crime Victims' Rights Week. (Mayor Welch)
 - 4.3. [ID-2024-153](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming April 22, 2024 As Earth Day. (Mayor Welch)
5. **ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES**
6. **COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE**
7. **CITY MANAGER'S REPORT**
8. **EX PARTE COMMUNICATIONS**
9. **PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA**
10. **CONSENT ITEMS**
 - 10.1. [ID-2024-135](#) Warrants. (Lawrence Chiu)

Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
 - 10.2. [ID-2024-146](#) Action Minutes Of The April 2, 2024, Special City Council Closed Session. (April Richardson / Lorraine Leong)
Attachments: [Action Minutes](#)
 - 10.3. [ID-2024-148](#) Action Minutes Of The April 2, 2024, Special City Council Meeting. (April Richardson / Lorraine Leong)
Attachments: [Action Minutes](#)

- 10.4.** [ID-2024-149](#) Action Minutes Of The April 2, 2024, Regular City Council Meeting.
(April Richardson / Lorraine Leong)
Attachments: [Action Minutes](#)
- 10.5.** [ID-2024-137](#) Resolution Of The City Council Of The City Of Emeryville Authorizing
The City Manager To Accept Funds From The Alameda County
Transportation Commission's 2024 CIP Call For Projects For The
Emery Go-Round Operating Expenses (FY2024-FY2025), Doyle
Bicycle Improvements - Phase 3, And 40th Street Multimodal
Improvements; Appropriating \$8,204,000 Into Fund 254 (Project No.
22242002), \$172,000 Into Fund 254 (Project No. 22242002),
\$354,000 Into Fund 254 For New CIP Project Number (Doyle Bicycle
Improvements - Phase 3), And \$1,000,000 Into Fund 254 (Emery
Go-Round Operating Expenses FY2024-FY2025). (Mohamed
Alaoui / Ryan O'Connell)
Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [A23-0040 40th Street Improvements](#)
 [A23-0041 Doyle Street](#)
 [A23-0042 Emery Go-Round](#)
 [APPROVED Resolution No. 24-40](#)
- 10.6.** [ID-2024-154](#) Resolution Of The City Council Of The City Of Emeryville Rescinding
The Prior Second Amendment Dated July 1, 2023 For The '8 To Go'
Paratransit Shuttle Service Agreement With The Emeryville
Transportation Management Association And Authorizing The City
Manager To Execute A New Second Amendment, Retroactive To
July 1, 2023, In The Amount Of \$149,800 For FY23/24 For A Total
Not To Exceed Amount Of \$418,300 And Appropriate Said Funds
When Received To Account 263-88400. (Rebecca Sermenio / Kim
Burrowes)
Attachments: [Staff Report](#)
 [Professional Services Contract](#)
 [ETMA First Amendment](#)
 [ETMA Second Amendment](#)
 [Draft Resolution](#)
 [ETMA Amended Second Amendment](#)
 [APPROVED Resolution No. 24-41](#)

11. PUBLIC HEARINGS

- 11.1.** [ID-2024-130](#) Resolution Of The City Council Of The City Of Emeryville Establishing
Updated Development Impact Fees For Fiscal Year 2024-2025.
(Chadrack Smalley / Miroo Desai)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A to Resolution - Development Impact Fees 2024-2025](#)
[APPROVED Resolution No. 24-42](#)

12. ACTION ITEMS

- 12.1. [ID-2024-138](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Community Promotion Grant Subcommittee Recommendations To Select Biketopia, Easy Does It Emergency Services, Emeryville Celebration Of The Arts, Emeryville Children And Nature, Fishnets And Films, Friends Of The Golden Gate Library, Head Over Heels Athletic Arts, Kala Art Institute, Nancy Karp & Dancers, Scientific Adventures For Girls, The Compound Gallery LLC, And The Emeryville Historical Society As Recipients For The Emeryville Community Promotions Grant Program. (Rebecca Sermeno)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[CPG Grant Applicants Overview](#)
[APPROVED Resolution No. 24-43](#)

- 12.2. [ID-2024-134](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Community Grant Subcommittee And Public Art Committee Recommendations To Select Artists Sean Griffin, Joey Rose, Rachel Wolfe Goldsmith, John Patrick Thomas, Salma Arastu, Chris Granillo, And Juan Lopez As The Recipients For The 2024-2026 Visual Arts Grant Program; Approving The Artworks Proposed By The Recipients; Authorizing The City Manager To Execute Grant Recipient Contracts With The Recipients Or Their Fiscal Agents, As Applicable, For The Installation Of The Proposed Artworks; And Appropriating An Additional \$53,000 From The Public Art Fund (Fund 243) To The Operating Budget For Fiscal Year 2024-2025 For The Visual Arts Grant Program. (Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Attachment 1 - Summary of Applications](#)
[Attachment 2 - Summary of Sites](#)
[Draft Resolution](#)
[Applicant Salma Arastu](#)
[Applicant Chris Granillo](#)
[Applicant Sean Griffin](#)
[Applicant Juan Lopez](#)
[Applicant Joey Rose](#)
[Applicant John Patrick Thomas](#)
[Applicant Rachel Wolfe-Goldsmith](#)
[APPROVED Resolution No. 24-44](#)

- 12.3.** [ID-2024-112](#) Introduction And Waiver Of First Reading 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](#)
[Draft Ordinance](#)

- 12.4.** [ID-2024-139](#) Tobacco Retailer License And Smoking Pollution Control Ordinances: (John Kennedy / Chadrick Smalley)

Attachments: [Staff Report](#)
[March 19, 2024 Staff Report](#)

- 12.4.1.** [ID-2024-140](#) Introduction And First Reading 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: [Draft Ordinance - Tobacco Retailer License](#)

- 12.4.2.** [ID-2024-141](#) Introduction And First Reading 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](#)

- 12.5.** [ID-2024-144](#) Resolution Of The City Council Of The City Of Emeryville Amending The Budget For Fiscal Year 2024. (Lawrence Chiu)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Fiscal Year 2024 Mid-Year Budget Adjustments](#)

[APPROVED Resolution No. 24-45](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, MAY 7, 2024, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, LOCATED AT 1333 PARK AVENUE, EMERYVILLE, CA 94608.

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2024-133](#) **Please Note:** This list is for informational purposes only. All items shown here are **tentative** at this time and are not confirmed until the agendas for the meeting dates are published and posted, 11 days prior to the meeting. Other items may be added. Also note that this list shows working titles, which may be revised slightly before the item becomes final.

Please continue to check the final, published agenda for the latest information.

May 7, 2024

- Legislative Update
- First Time Homebuyer Guideline Revisions
- Master Fee Update
- City Speed Limits Update

May 21, 2024

- Presentation: BART Safe & Clean Plan
- Alameda County Fire Department Contract

When published, the packets for City Council meetings can be viewed online at www.emeryville.org/citycouncil.