



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](http://www.emeryville.org)

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, July 18, 2023

7:16 PM

Council Chambers / Teleconference

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**This meeting is being conducted in a hybrid (in-person / Zoom) format at  
1333 Park Avenue, Emeryville, California**

**To join the meeting via Zoom, use the information provided below.**

The City offers many ways for you to watch and participate in City matters. Public comment for Council agenda items can be submitted online via our online speaker card at [www.emeryville.org/citycouncil](http://www.emeryville.org/citycouncil) when an agenda is posted. Written comments can also be submitted by email to [city\\_council@emeryville.org](mailto:city_council@emeryville.org) or to the City Clerk at [city\\_clerk@emeryville.org](mailto: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.

*If you prefer to participate in the meeting using Zoom, please use the information provided here:*

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*Or Telephone: 669-900-6833*

*Webinar ID: 839 3650 0232*

*Passcode: 449622*

*International Phone Numbers: <https://emeryville-org.zoom.us/j/83936500232?pwd=OVRQaFYrR1k4b3NqK045eFptWVJ5Zz09>*

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](http://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](http://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](http://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.

The speaker's time is limited to 3 minutes and can only be extended upon approval of the Presiding Officer. If you are submitting your comments using the online comment card, please be aware that they will be read aloud into the record and will still be limited to the 3-minute time limit.

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 510-450-7800, 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.

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-2023-298](#) Proclamation Of The City Council Of The City Of Emeryville Honoring Charles S. Bryant Upon The Occasion Of His Retirement From The City Of Emeryville After More Than Twenty-Three Years Of Continuous And Outstanding Service
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-2023-293](#) Warrants. (Lawrence Chiu)  
  
**Attachments:** [Staff Report City](#)  
[Wire Transfers City](#)  
[Check Register City](#)
  - 10.2. [ID-2023-301](#) Action Minutes Of The July 5, 2023, Special City Council Closed Session. (April Richardson)  
**Attachments:** [Action Minutes](#)
  - 10.3. [ID-2023-302](#) Action Minutes Of The July 5, 2023, Special City Council Study Session. (April Richardson)  
**Attachments:** [Action Minutes](#)
  - 10.4. [ID-2023-304](#) Action Minutes Of The July 5, 2023, City Of Emeryville Special City Council Meeting. (April Richardson)  
**Attachments:** [Action Minutes](#)

- 10.5.**     [ID-2023-303](#)     Action Minutes Of The July 5, 2023, City Of Emeryville Regular City Council Meeting. (April Richardson)  
**Attachments:**   [Action Minutes](#)
- 10.6.**     [ID-2023-282](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing A Second Amendment Of The Professional Services Contract With West Coast Code Consultants (WC3) For Fiscal Year 2022-2023 For Building Division Services In An Amount Of \$250,000 To Cover Expanded Services For A Total Amount Not To Exceed \$3,091,714 And Increasing Revenues And Expenditures In The Building Division Budget For Fiscal Year 2022-2023 (Charles S. Bryant / Victor R. Gonzales)  
**Attachments:**   [Staff Report](#)  
                         [Professional Services Contract with WC3](#)  
                         [First Amendment to Contract with WC3](#)  
                         [Draft Resolution](#)  
                         [Exhibit A - Second Amendment to Contract with WC3](#)  
                         [APPROVED Resolution No. 23-92](#)
- 10.7.**     [ID-2023-262](#)     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 Urban Planning Partners (UPP) Increasing The Total By \$149,008 From \$315,234 To \$464,242 For Preparation Of A CEQA Compliant Environmental Document For The 5801 Christie Avenue Mixed Use Project Located At 5801 And 5681 Christie Avenue And Appropriating \$49,008 In Expenditures To Division 1725, "Planning Reimbursables", Account 80050, Professional Services. (Charles S. Bryant / Miroo Desai)  
**Attachments:**   [Staff Report](#)  
                         [Professional Services Contract with UPP](#)  
                         [First Amendment to Professional Services Contract with UPP](#)  
                         [Draft Resolution](#)  
                         [Exhibit A - Second Amendment to Professional Services Contract with UPP](#)  
                         [APPROVED Resolution No. 23-93](#)
- 10.8.**     [ID-2023-261](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept In-Lieu Funds From BRE-BMR 53rd LP To Contribute Towards Emergency Operations Center Upgrade/Hollis Street Fire Station, In An Amount Of \$1,475,000, And Appropriate The Said Sum To Developer Contribution Fund 473, Account 63070, Project Number 16475004 When Received. (Charles S. Bryant / Miroo Desai)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-94](#)

- 10.9.** [ID-2023-249](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Operation Dignity, Inc. To Provide Homeless Support Services In An Amount Not To Exceed \$293,830 For Fiscal Year 2023-2024, \$293,830 For Fiscal Year 2024-2025, And \$293,830 For Fiscal Year 2025-2026 For A Total Contract Amount Not To Exceed \$881,490. (Charles S. Bryant / Chadrick Smalley / Charles Harris)

**Attachments:**     [Staff Report](#)  
                               [Draft Resolution](#)  
                               [Exhibit A - Professional Services Contract with Operation Dignity, Inc](#)  
                               APPROVED Resolution No. 23-95

- 10.10.** [ID-2023-254](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids For The Construction Of Sanitary Sewer Spot Repairs As Part Of The Sanitary Sewer Rehabilitation Program, Fiscal Year 2023/2024, Project No. 15511005. (Mohamed Alaoui/Nik Ignacio)

**Attachments:**    [Staff Report](#)  
                               [Attachment A - Project Location Map](#)  
                               [Attachment B - Spot Repair Schedule of Descriptions](#)  
                               [Draft Resolution](#)  
                               APPROVED Resolution No. 23-96

- 10.11. [ID-2023-273](#) Local Road Safety Plan (LRSP) Grant: (Mohamed Alaoui / Ryan O'Connell)

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

- 10.11.1** [ID-2023-286](#) Resolution Of The City Council Of The City Of Emeryville  
Accepting \$40,000 In Grant Funding From Caltrans For  
Completing A Local Roadway Safety Plan

**Attachments:** [Resolution - Accept LRSP Funds](#)  
[Exhibit A - Supplemental Agreement LRSP](#)  
[APPROVED Resolution No. 23-97](#)

- 10.11.2** [ID-2023-287](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute All Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, And Any Amendments Thereto With California Department Of Transportation

**Attachments:** [Resolution - Blanket Signature Authority](#)  
[APPROVED Resolution No. 23-98](#)

- 10.12.** [ID-2023-296](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Davenport Mini-Park Renovation Project, (CIP No. 16475017), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Mohamed Alaoui / Pedro Jimenez)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-99](#)

- 10.13.** [ID-2023-288](#) Resolution Of The City Council Of The City Of Emeryville Recognizing The Emeryville Police Managers Association (EPMA) As An Employee Organization And As The Sole Bargaining Representative For Employees Previously Represented By The Confidential Administrative, Managerial, And Professional Employees (CAMP) Employee Organization. (Lilybell Nakamura)

**Attachments:** [Staff Report](#)  
[Petition of Support](#)  
[Resolution MA06-10](#)  
[Resolution 86-05](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-100](#)

- 10.14.** [ID-2023-309](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept A Grant Award On Behalf Of The Police Department, From The FY2023 Byrne Justice Assistance Grant (JAG) In The Amount Of \$10,977.30 For Funds Related To Conducted Energy Devices. (Jeff Jennings / Oliver Collins)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[FY23 Sheriff Award Letter](#)  
[Certs & Assurances](#)  
[APPROVED Resolution No. 23-101](#)

- 10.15.** [ID-2023-310](#) Resolution Of The City Council Of The City Of Emeryville Removing The Police Chief Position From Representation By The Confidential Administrative, Managerial, And Professional Employees (CAMP) Employee Organization To Unrepresented. (Lilybell Nakamura)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-102](#)

- 10.16.** [ID-2023-311](#) Resolution Of The City Council Of The City Of Emeryville Approving And Adopting A Memorandum Of Understanding Between The City Of Emeryville And The Emeryville Police Officers Association (POA), Authorizing The City Manager To Execute The Memorandum Of Understanding, And Approving The Amendment To The City's Compensation Plan In Conformance With California Code Of Regulations, Title 2, Section 570.5. (Lilybell Nakamura)

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

[Draft Resolution](#)

[Draft MOU - redlined](#)

[Draft MOU - clean](#)

[APPROVED Resolution No. 23-103](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2023-305](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2024 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 2024. (Lawrence Chiu)

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

[Attachment 1 - ETMA 2024 Preliminary Budget](#)

[Attachment 2 - ETMA 2022 Annual Report](#)

[Attachment 3 - ETMA 2014-2023 Ridership Report](#)

[Attachment 4 - FY 2024 Preliminary Assessment Levy 3% Increase](#)

[Draft Resolution](#)

[APPROVED Resolution No. 23-104](#)

- 11.2. [ID-2023-272](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 9 Of Title 4 Of The Emeryville Municipal Code, "Vehicular Traffic And Parking" (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15378 And 15061(B)(3)). (Mohamed Alaoui / Josie Ahrens)

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

[Draft Ordinance](#)

[Exhibit A - Curb Color Request Form](#)

[Exhibit B - Curb Color Process](#)

## 12. ACTION ITEMS

- 12.1. [ID-2023-289](#) 40th Street Multimodal Project: (Mohamed Alaoui / Ryan O'Connell)

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

[Attachment A - Original Professional Services Contract](#)

[Exhibit A - Original Scope of Work](#)

[Attachment B - First Amendment \(Diablo\)](#)

[Exhibit A-1 - Task 8 for 1st Amendment](#)

[Exhibit A-2 - Task 9 for 1st Amendment](#)

[Attachment C - Phase 1 and Phase 2 Map](#)

- 12.1.1. [ID-2023-290](#) Resolution Of The City Council Of The City Of Emeryville Approving Concept Of Closing Unsignalized Intersections On The North Side Of 40th Street (Watts, Haven, Holden, And Hubbard) As Part Of The 40th Street Multimodal Project



**Attachments:** [Draft Resolution](#)

[APPROVED Resolution No. 23-105](#)

- 12.1.2. [ID-2023-291](#)** Resolution Of The City Council Of The City Of Emeryville Approving Addition Of New Scope Of Work (Exhibit A-1) Related To Additional Design Work For Unsignalized Intersections On The North Side Of 40th Street As Part Of The 40th Street Multimodal Project Into The Professional Services Contract With Diablo Engineering Group

**Attachments:** [Draft Resolution](#)

[Exhibit A-1 - Task 8 for 1st Amendment](#)

[APPROVED Resolution No. 23-106](#)

- 12.1.3. [ID-2023-292](#)** Resolution Of The City Council Of The City Of Emeryville Approving Addition Of New Scope Of Work (Exhibit A-2) Related To Design Of The 40th Street Multimodal Project Phase 2: Bay Trail Gap Closure (CIP No. SUT-05) Into The Professional Services Contract With Diablo Engineering Group

**Attachments:** [Draft Resolution](#)

[Exhibit A-2 - Task 9 for 1st Amendment](#)

[APPROVED Resolution No. 23-107](#)

- 12.1.4. [ID-2023-295](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Contract With Diablo Engineering Group For Additional Services As Described In Exhibit(s) \_\_\_\_\_, Increase The Total Compensation By \$\_\_\_\_\_, For A Total Amount Not To Exceed \$\_\_\_\_\_

**Attachments:** [Attachment A - Original Professional Services Contract](#)

[Attachment B - First Amendment \(Diablo\)](#)

[Draft Resolution](#)

[Exhibit A-1 - Task 8 for 1st Amendment](#)

[Exhibit A-2 - Task 9 for 1st Amendment](#)

[APPROVED Resolution No. 23-108](#)

### **13. DEPARTMENT HEAD REPORTS**

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

### **15. ADJOURNMENT**

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, SEPTEMBER 5, 2023, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608, AND VIA TELECONFERENCE.

**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2023-297](#) **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.**

September 5, 2023

- Active Transportation Plan adoption and General Plan Amendments

When published, the packets for City Council meetings can be viewed online at [www.emeryville.org/citycouncil](http://www.emeryville.org/citycouncil).