



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, November 19, 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/88035134930?pwd=5ueSc0Yn3GrBcXfPlmzllAbjvoz4Lw.XqhPNeDY3du9AIEd>
Passcode: 014265

Telephone: 669-900-6833

Webinar ID: 880 3513 4930

Passcode: 014265

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**
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-2024-434](#) Warrants. (Lilybell Nakamura)
Attachments: [Staff Report](#)
[Wire Transfers](#)
[Check Register](#)
 - 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 / Lorrayne Leong)
Attachments: [Action Minutes](#)
 - 10.3. [ID-2024-440](#) Action Minutes Of The November 5, 2024, Special City Council Closed Session Meeting. (April Richardson)
Attachments: [Action Minutes](#)
 - 10.4. [ID-2024-441](#) Action Minutes Of The November 5, 2024, Special City Council Meeting. (April Richardson)
Attachments: [Action 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](#)
- 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](#)
- 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](#)
- 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](#)

- 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](#)
- 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](#)
- 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](#)

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](#)
- 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. (Chadrack Smalley / Amber Evans)
Attachments: [Staff Report](#)
[Attachment 1 - Finalist Proposals](#)
[Draft Resolution](#)
[Exhibit A to Resolution - Artist Agreement](#)
- 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](#)
- 12.4.** [ID-2024-449](#) 2024-25 Fiscal Year Budget Update & Proposed Budget Strategies. (Lilybell Nakamura / Brian Moura)
Attachments: [Staff 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](#)

- 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](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, DECEMBER 10, 2024, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, LOCATED AT 1333 PARK AVENUE, EMERYVILLE, CA 94608.

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2024-439](#) **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.

December 10, 2024

- Dissolution of MESA

January 21, 2025

- Little Libraries Study Session

- Affordable Housing Annual Report

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