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## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

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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#### 1. CALL TO ORDER

The meeting was called to order at 7:35 p.m.

#### 2. ROLL CALL

**Present:** 5 - Mayor John J. Bauters  
Vice Mayor Courtney Welch  
Council Member Sukhdeep Kaur  
Council Member David Mourra  
Council Member Kalimah A. Priforce

#### 3. APPROVAL OF FINAL AGENDA

A motion was made by Vice Mayor Welch, seconded by Council Member Mourra, to approve the final agenda amended to exclude items 10.8 and 10.9. The motion carried by the following vote:

**Ayes:** 5 - Mayor Bauters, Vice Mayor Welch, Council Member Kaur, Council Member Mourra, and Council Member Priforce

#### 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

Mayor Bauters reported on item 12.1 meeting with various representatives of Granite Expo, that he received letters from the Buttner Property, and he met with Bike East Bay, the Alameda CTC, the Park Business Center HOA, and a couple of residents. Vice Mayor Welch reported on item 12.1 that she received an email from the Buttner Property, and a letter from Emily Riggs. Council Members Priforce, Kaur, and Mourra reported on item 12.1 that they received communications from Granite Expo and their consultant.

## 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 Welch, seconded by Council Member Mourra, to approve items 10.1 - 10.7 and 10.10 - 10.16 on the Consent Agenda . The motion carried by the following vote:**

**Ayes:** 5 - Mayor Bauters, Vice Mayor Welch, Council Member Kaur, Council Member Mourra, and Council Member Priforce

### 10.1. ID-2023-293 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-2023-301 Action Minutes Of The July 5, 2023, Special City Council Closed Session. (April Richardson)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

### 10.3. ID-2023-302 Action Minutes Of The July 5, 2023, Special City Council Study Session. (April Richardson)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the 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](#)

**A motion was made to approve the 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](#)

**A motion was made to approve the 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](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso 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](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso 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](#)

Mayor Bauters recused himself as he owns property within 1,000 ft. of the project.

**A motion was made Council Member Mourra, seconded by Council Member Kaur, to approve the Resolution. The motion carried by the following vote:**

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

**Recused:** 1 - Mayor Bauters

Enactment No: Reso 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](#)

**A motion was made by Council Member Mourra, seconded by Vice Mayor Welch, to approve this Resolution. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Bauters, Vice Mayor Welch, Council Member Kaur, Council Member Mourra, and Council Member Priforce

Enactment No: Reso 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](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 23-96

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

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

- 10.11. 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

1.

**Attachments:** [Resolution - Accept LRSP Funds](#)

[Exhibit A - Supplemental Agreement LRSP](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 23-97

- 10.11. 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

2.

**Attachments:** [Resolution - Blanket Signature Authority](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso 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](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso 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](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso 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](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso 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](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso 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](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso 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](#)

PUBLIC HEARING OPENED: 8:02 p.m.

PUBLIC HEARING CLOSED: 8:03 p.m.

**A motion was made by Vice Mayor Welch, seconded by Mayor Bauters, to approve this Resolution. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Bauters, Vice Mayor Welch, Council Member Kaur, Council Member Mourra, and Council Member Priforce

Enactment No: Reso 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](#)

Public Works Management Analyst Josie Ahrens made a presentation and answered Council Member questions.

PUBLIC HEARING OPENED: 8:07 p.m.  
PUBLIC HEARING CLOSED: 8:08 p.m.

**A motion was made by Mayor Bauters, seconded by Vice Mayor Welch, to read this Ordinance by title only. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Bauters, Vice Mayor Welch, Council Member Kaur, Council Member Mourra, and Council Member Priforce

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

**Ayes:** 5 - Mayor Bauters, Vice Mayor Welch, Council Member Kaur, Council Member Mourra, and Council Member Priforce

## 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](#)

Senior Civil Engineer Ryan O'Connell made a presentation and answered Council Member questions.

19 speakers.

#### 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](#)

**A motion was made by Council Member Kaur, seconded by**



**Council Member Mourra, to adopt this Resolution as amended. The motion carried by the following vote:**

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

**Noes:** 1 - Council Member Priforce

Enactment No: Reso 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](#)

**A motion was made by Council Member Kaur, seconded by Council Member Mourra, to approve this Resolution. The motion carried by the following vote:**

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

**Noes:** 1 - Council Member Priforce

Enactment No: Reso 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](#)

**A motion was made by Council Member Kaur, seconded by Council Member Mourra, to approve this Resolution. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Bauters, Vice Mayor Welch, Council Member Kaur, Council Member Mourra, and Council Member Priforce

Enactment No: Reso 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](#)

**A motion was made by Council Member Kaur, seconded by Council Member Mourra, to approve this Resolution. The motion carried by the following vote:**

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

**Noes:** 1 - Council Member Priforce

Enactment No: Reso No. 23-108

### 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 regular meeting of the Emeryville City Council.**

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