



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, June 6, 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.

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*Or Telephone: 669-900-6833*

*Webinar ID: 875 9943 3094*

*Passcode: 025786*

*International Phone Numbers: <https://emeryville-org.zoom.us/j/kcc9nF28Z>*

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).

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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-2023-211](#) Proclamation Of The City Council Of The City Of Emeryville Recognizing June 2023 As LGBTQI+ Pride Month In The City Of Emeryville. (Mayor John J. Bauters)

Attachments: [Proclamation](#)

- 4.2. [ID-2023-217](#) Proclamation Of The City Council Of The City Of Emeryville Recognizing June 19, 2023, As Juneteenth Freedom Day In The City Of Emeryville. (Mayor John J. Bauters)

Attachments: [Proclamation](#)

**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-2023-208](#) Warrants. (Lawrence Chiu)

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

- 10.2. [ID-2023-202](#) Action Minutes Of The May 16, 2023, Special City Council Closed Session. (April Richardson)

Attachments: [Action Minutes](#)

- 10.3. [ID-2023-203](#) Action Minutes Of The May 16, 2023, Special City Council Study Session. (April Richardson)

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

- 10.4. [ID-2023-205](#) Action Minutes Of The May 16, 2023, City Of Emeryville Regular City Council Meeting. (April Richardson)

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

- 10.5. [ID-2023-193](#) Resolution Of The City Council Of The City Of Emeryville Supporting Removal Of Cuba From The U.S. State Sponsors Of Terrorism List. (Courtney Welch)

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

[Letters](#)

[Draft Resolution](#)

[APPROVED Resolution No. 23-59](#)

- 10.6. [ID-2023-210](#) Resolution Of The City Council Of The City Of Emeryville Amending The Local Boards, Commissions, and Committees Rules Of Procedure For Teleconferencing And Public Comment During Hybrid Meetings. (April Richardson)

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

[Draft Resolution](#)

[Exhibit A - Draft Committee Rules of Procedure](#)

[APPROVED Resolution No. 23-60](#)

- 10.7. [ID-2023-221](#) Amendments to Advisory Committees Regular Meeting Schedules: (April Richardson / Lorraine Leong)

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

- 10.7.1. [ID-2023-222](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Community Services Committee; And Amending The FY2022-23 Local Roster Of Boards, Commissions And Committees Accordingly

**Attachments:** [Draft Resolution - Community Services Committee](#)

[Exhibit A - Community Services Committee Roster](#)

[APPROVED Resolution No. 23-61](#)

- 10.7.2. [ID-2023-223](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Parks and Recreation Committee; And Amending The FY2022-23 Local Roster Of Boards, Commissions And Committees Accordingly

**Attachments:** [Draft Resolution - Parks and Recreation Committee](#)

[Exhibit A - Parks and Recreation Committee Roster](#)

[APPROVED Resolution No. 23-62](#)

- 10.7.3. [ID-2023-225](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Public Safety Committee; And Amending The FY2022-23 Local Roster Of Boards, Commissions And Committees Accordingly

**Attachments:** [Draft Resolution - Public Safety Committee](#)  
[Exhibit A - Public Safety Committee Roster](#)  
[APPROVED Resolution No. 23-63](#)

- 10.8. [ID-2023-199](#) Resolution Of The City Council Of The City Of Emeryville Approving Artists Naomi VanDoren, Michele Théberge, Jess Cook, Lisa Rock, Grégoire Vion, And Erin Fong, And Alternates Salma Arastu And Muna Abdulahi For The *Sharon Wilchar Bus Shelter Art Program - Phase VII* And Authorizing The City Manager To Execute Agreements With The Approved Artists For Final Design Of The Art Works In Amounts Not To Exceed \$5,000 For Each Artist. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Artist Proposals](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 23-64](#)

- 10.9. [ID-2023-195](#) Resolution Of The City Council Of The City of Emeryville Accepting The Point Emery Shoreline Protection Project, Project No. EPW-18101 (CIP No. 16475021), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk And Authorizing The City Manager To Enter Into A Second Amendment To The Contract With Brannon Corporation, Inc. To Increase The Total Compensation Amount By \$3,535 For A Total Not To Exceed Amount Of \$877,574; For The Point Emery Shoreline Protection Project, Project No. EPW-18101 (CIP No. 16475021). (Mohamed Alaoui / Michael Roberts)

**Attachments:** [Staff Report](#)  
[Construction Contract](#)  
[Construction Contract - 1st Amendment](#)  
[Draft Resolution](#)  
[Construction Contract - 2nd Amendment](#)  
[Exhibit A-2](#)  
[APPROVED Resolution No. 23-65](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2023-187](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Emery Cove Inc. For Weekend And Night Work Related To Marina Dredging As Part Of The Marina Navigation Channel Maintenance Dredging Program (CIP No. 19495003) 300 Feet After The Breakwater In The Outer Channel Outside The Marina Harbor To Occur On Dates To Be Determined Between June 7, 2023, And November 30, 2023 (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(B)(3)). (Mohamed Alaoui)

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

[Draft Resolution](#)

[APPROVED Resolution No. 23-66](#)

## 12. ACTION ITEMS

- 12.1.**     [ID-2023-201](#)     Resolution Of The City Council Of The City Of Emeryville Rescinding The Commercial Property Transfer Tax Policy, Amending The City's Expenditure And Reserve Policies, And Adopting A Real Property Transfer Tax Policy. Lawrence Chiu / Monica Centeno)
- Attachments:**   [Staff Report](#)  
                         [Attachment A - Proposed Real Property Transfer Tax Policy](#)  
                         [Draft Resolution](#)  
                         [APPROVED Resolution No. 23-67](#)
- 12.2.**     [ID-2023-212](#)     Resolution Of The City Council Of The City Of Emeryville Adopting The Operating Budget For Fiscal Years 2024 And 2025 ("Operating Budget"), And Appropriating Funds For Fiscal Years 2024 And 2025. (Lawrence Chiu / Monica Centeno)
- Attachments:**   [Staff Report](#)  
                         [Attachment A - Proposed Budget for Fiscal Years 2024 and 2025](#)  
                         [\(large file\)](#)  
                         [Draft Resolution](#)  
                         [APPROVED Resolution No. 23-68](#)
- 12.3.**     [ID-2023-198](#)     Resolution Of The City Council Of The City of Emeryville Adopting The Capital Improvement Program For The City Of Emeryville For The 2023-2024 Through 2027-2028 Fiscal Years, And Authorizing Appropriations For The 2023-2024 And The 2024-2025 Funding Cycles Of The City Emeryville Five Year Capital Improvement Program. (Mohamed Alaoui / Josie Ahrens)
- Attachments:**   [Staff Report](#)  
                         [Appendix A CIP Project Summary](#)  
                         [Appendix B CIP Capital Project Funds](#)  
                         [Appendix C CIP Revenues](#)  
                         [Appendix D Public Survey Summary and Results](#)  
                         [Draft Resolution](#)  
                         [Exhibit A - CIP Book Final Draft](#)  
                         [APPROVED Resolution No. 23-69](#)
- 12.4.**     [ID-2023-215](#)     Resolution Of The City Council Of The City Of Emeryville Adopting An Appropriations Limit For The Fiscal Year 2024 of \$141,294,720. (Lawrence Chiu / Monica Centeno)
- Attachments:**   [Staff Report](#)  
                         [Draft Resolution](#)  
                         [Attachment A - Gann Appropriations Limit Calculation Fiscal Year](#)  
                         [2024](#)  
                         [APPROVED Resolution No. 23-70](#)

### 13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2023-200](#) Planning Director's report on Planning Commission actions at the May 25, 2023 meeting:

- (a) Capital Improvement Program. Review of the proposed Capital Improvement Program (CIP) 2023-2028 for consistency with the Emeryville General Plan pursuant to California Government Code Section 65403(c).
- (b) Shellmound Way General Plan Amendment. Consideration of a General Plan Amendment to revise the location of Shellmound Way such that it coincides with its current location approximately 250 feet south of what is shown on General Plan Figure 3-1, "Circulation", and other maps in the General Plan.\*

\* Note: This item has been continued to the August 24 Planning Commission meeting to allow for the 90-day period for California Native American tribes to request consultation as required by California Government Code Section 65352.3(a).

The packet for the May 25, 2023 Planning Commission meeting can be viewed online at <https://www.ci.emeryville.ca.us/ArchiveCenter/ViewFile/Item/5436>

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

### 15. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, JUNE 20, 2023, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608, AND VIA TELECONFERENCE.



**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2023-218](#) **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.**

June 20, 2023

- Study Session - Multi-Family Bulky Item Pickup
- Private Parking Enforcement Ordinance

July 5, 2023

- Wayfinding Sign Program
- Committee Annual Appointments

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