



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

--AMENDED--

Tuesday, January 17, 2023

7:16 PM

Teleconference

A complete copy of the agenda packet is available 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. 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, Community Development Commission, Management of Emeryville Services Authority (MESA) 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, Community Development Commission, Management of Emeryville Services Authority (MESA) and related agendas in digital format for the current calendar year 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.

INFORMATION FOR REGULAR MEETING DURING A DECLARED STATE OF EMERGENCY

(to continue until further notice):

Pursuant to California Assembly Bill 361, a local legislative body is authorized to hold public meetings remotely and to make those meetings accessible to all members of the public seeking to observe and to address the local legislative body by remote means only via a technology solution. As such, the City will provide various options for the public to participate in the conduct of the meeting, as indicated in detail below on this cover sheet.

The City will further adhere to the means otherwise prescribed by the Brown Act, which allows members of the public the right to observe and offer public comment during the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, the City will use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act, and

other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

The City offers many ways for you to watch and participate in City matters during this time where you may not attend in person. Our City Council meetings are streamed live and on Emeryville TV. Additionally, public comment for Council agenda items can be submitted online via our online speaker card when an agenda is posted. Written comments can also be submitted by email to city_council@emeryville.org or 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 since there is no option to attend in person.

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

Please click the link below to join the webinar:

<https://emeryville-org.zoom.us/j/89268595444?pwd=VEtyZ25PYjIWWVEVFWGRtMExGa2xkZz09>
Passcode: 274805

*Or iPhone one-tap: +16694449171,,89268595444#,,, *274805#*

Or Telephone: 669-900-6833

Webinar ID: 892 6859 5444

Passcode: 274805

International Phone Numbers: <https://emeryville-org.zoom.us/j/89268595444?pwd=VEtyZ25PYjIWWVEVFWGRtMExGa2xkZz09>

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.

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 or ADA Coordinator 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.

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.

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-2023-012](#) Proclamation Of The City Council Of The City Of Emeryville In Recognition Of The Contributions Made by Ally Medina During Her Term On the Emeryville City Council
 - 4.2. [ID-2023-013](#) Administration Of Oath of Office To City Manager Paul Buddenhagen. (April Richardson)
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-2022-692](#) Warrants. (Bill Zenoni)

Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)
 - 10.2. [ID-2023-010](#) Action Minutes Of The December 20, 2022, Special City Council Meeting. (April Richardson)
Attachments: [Action Minutes](#)
 - 10.3. [ID-2023-011](#) Action Minutes Of The December 20, 2022, Regular City Council Meeting. (April Richardson)
Attachments: [Action Minutes](#)
 - 10.4. [ID-2023-016](#) Resolution Of The City Council Of The City Of Emeryville Confirming the Director of Emergency Services' Proclamation of Existence of A Local Emergency. (April Richardson)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Proclamation of Local Emergency](#)
[APPROVED Resolution No. 23-01](#)

- 10.5.** [ID-2023-015](#) Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For Succession Of Council Member David Mourra In The Event Of A Declared Emergency For Calendar Year 2023. (April Richardson / Lorryne Leong)

Attachments: [Staff Report](#)
[Attachment A - Government Code Sections 8635-8644](#)
[Draft Resolution](#)
[Exhibit A - 2023 Standby Officers Roster](#)
[APPROVED Resolution No. 23-02](#)

- 10.6.** [ID-2022-685](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Annual Comprehensive Financial Report And Associated Compliance Audit Reports And Auditor Correspondence For The Fiscal Year Ended June 30, 2022. (Bill Zenoni / Monica Centeno)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment 1: Annual Comprehensive Financial Report](#)
[Attachment 2: Child Development Center Compliance Audit](#)
[Attachment 3: Measure B Compliance Audit](#)
[Attachment 4: Measure BB Compliance Audit](#)
[Attachment 5: Measure F Vehicle Registration Fee Compliance Audit](#)
[Attachment 6: Auditor's Communication Letter](#)
[Attachment 7: Auditor's Memorandum on Internal Control](#)
[Attachment 8: Auditor's Report on Appropriations Limit Calculation](#)
[APPROVED Resolution No. 23-03](#)

- 10.7.** [ID-2022-645](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Purchase Two Ford Explorer Police Vehicles, In An Amount Not To Exceed \$113,325.58, From Folsom Lake Ford And Emergency Patrol Vehicle Equipment From Pursuit North, At An Estimated Cost Of \$32,003.78. (Jeff Jennings / Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Folsom Lake Ford Bid](#)
[Lehr Bid](#)
[APPROVED Resolution No. 23-04](#)

- 10.8.** [ID-2022-644](#) Resolution Of The Emeryville City Council Authorizing The City Manager To Issue a Purchase Order to Voice Products, Inc. For The Software Licensing, Services, Support, and Hardware Necessary to Upgrade NICE Inform Voice Recorder Software For Telephone and Radio Transmissions For The Police Department In An Amount Not to Exceed \$23,015, And Appropriating Funding From The Sources Identified Within The Fiscal Impact Section. (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [APPROVED Resolution No. 23-05](#)

- 10.9.** [ID-2022-695](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract With The California Department Of Education For The Purpose Of Providing Child Care And Development Services And To Authorize The City Manager To Sign Contract Documents For Fiscal Year 2023-2024, The Continuing Funding Application, And All Related Contract Documents And Any Future Amendments And Appropriate Said Funds When Received To Accounts 230-53600 And 230-52300. (Rebecca Sermenio)

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [CSPP Continued Funding Application](#)
 [APPROVED Resolution No. 23-06](#)

- 10.10.** [ID-2022-680](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Revised 2022 Housing Affordability Table Pursuant To The Affordable Housing Program (Article 4 Of Chapter 5 Of The Planning Regulations). (Charles S. Bryant / Chadrick Smalley / Valerie F. Bernardo)

Attachments: [Staff Report](#)
 [Attachment 1 - Freddie Mac Mortgage Survey](#)
 [Draft Resolution](#)
 [Exhibit A - Revised 2022 Affordable Housing Table](#)
 [APPROVED Resolution No. 23-07](#)

- 10.11.** [ID-2022-696](#) Resolution Of The City Council Of The City of Emeryville Authorizing The City Manager To Enter Into A Contract With Columbia Electric, Inc. In An Amount Of \$1,399,650.00; Authorizing The City Manager To Approve Payments Of Possible Additional Costs As Contingency Expenditures Up To \$140,000, All For The Construction Of The Marina Park and Powell Street Lighting Project, Project No. EPW-22105 (CIP No. 17495012); Appropriating \$490,000 From Fund 495 Into CIP No. 17495012. (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Construction Contract \(Columbia\)](#)
[APPROVED Resolution No. 23-08](#)

- 10.12.** [ID-2022-690](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Second Amendment to the Contract With Iteris, Inc. In The Amount Of \$120,000.00 For New On-Call Traffic Engineering Consultant Services In Addition To The Existing Contract Scope For The Fiscal Year 2022/2023; Reducing The Fund 264 (CIP No. 15240017, PB-05) Appropriation by \$40,000, And Appropriating \$40,000 From Fund 264, Appropriating \$40,000.00 From Fund 262, And Appropriating \$40,000.00 From Fund 475 (For Various Capital Projects) For The Amended Contract Amount Of \$120,000. (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)
[Professional Services Contract - 1st Amendment](#)
[Professional Services Contract](#)
[Draft Resolution](#)
[Professional Services Contract - 2nd Amendment](#)
[APPROVED Resolution No. 23-09](#)

- 10.13.** [ID-2022-694](#) Resolution Of The City Council Of The City of Emeryville Authorizing The City Manager To Enter Into A Contract With Euro Style Management In An Amount Of \$1,658,878.00; Authorizing The City Manager To Approve Payments Of Possible Additional Costs As Contingency Expenditures Up To \$165,000, All For The Construction Of The 40th Street Bridge Railing And Lumec Light Pole Painting Project, Project No. EPW-20103 (CIP No. 15475015 And 15475028); Appropriating And Transferring \$844,038 From Fund 101 Into Fund 475 For CIP No. 15475015. (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Construction Contract \(Euro Style\)](#)
[APPROVED Resolution No. 23-10](#)

11. PUBLIC HEARINGS

12. ACTION ITEMS

- 12.1. [ID-2023-007](#) City Council Vacancy - Discussion Of Options For Process To Fill Vacancy And Direction To Staff. (April Richardson)

Attachments: [Staff Report](#)

- 12.2. [ID-2022-689](#) Resolution Of The City Council Of The City Of Emeryville Making Required Findings To Allow The Continuation Of Remotely Held Meetings Of The City Council, Pursuant To AB 361. (April Richardson)

(In Conjunction With MESA Agenda Item 6.1 And Successor Agency Agenda Item 7.2)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 23-11](#)

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

15. ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, FEBRUARY 7, 2023, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2023-008](#) **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.

Additional Note during COVID-19 Public Health Emergency: City Council meeting have been held remotely since March 17, 2020, and remain so in accordance with the Brown Act exemptions provided for by AB 361. City Council and other public meetings will continue to be held remotely until further notice, and certain non-essential items may be postponed or cancelled. **Please continue to check the final, published agenda for the latest information.**

February 7, 2023
-CIP Study Session

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