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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Dianne Martinez Mayor
Scott Donahue Vice Mayor
Jac Asher Council Member
Ruth Atkin Council Member
Nora Davis Council Member

Special Meeting

Tuesday, August 16, 2016

7:16 PM

Council Chambers

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 9:41 p.m.

2. ROLL CALL

Present: 5 - Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member Jac Asher
Council Member Ruth Atkin
Council Member Nora Davis

3. SPECIAL ORDERS OF THE DAY

- 3.1. [ID-2016-492](#) Special Orders of the Day: Recognizing Officer Arnold Salaiz as the Employee of the Quarter for the 2nd Quarter of 2016 (Ian Appleyard)

Human Resources Director Ian Appleyard introduced Officer Salaiz and the Mayor read his certificate of recognition as Employee of the Quarter.

- 3.2. [ID-2016-505](#) Swearing-in of new Police Lieutenant Fredrick Dauer (Chief Tejada)

Chief Tejada administered the Oath of Office to Officer Fred Dauer, recently promoted to Police Lieutenant.

- 3.3. [ID-2016-506](#) Introduction of City Clerk Sheri Hartz (Carolyn Lehr)

City Manager Lehr introduced the new City Clerk, Sheri Hartz.

4. PUBLIC COMMENTS

There were no comments made.

5. CITY MANAGER'S REPORT

There was no report given.

6. EX PARTE COMMUNICATIONS

No ex parte communications were reported. Council Member Davis asked for clarification of this agenda item.

7. CONSENT ITEMS

A motion was made by Council Member Davis, seconded by Council Member Atkin, to approve the Consent Agenda, with Item 7.7.2. being pulled for discussion. The motion carried by the following vote:

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

- 7.1. [ID-2016-508](#) Warrants. (Susan Hsieh)

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

- 7.2. [ID-2016-502](#) Action Minutes of the July 19, 2016 Emeryville City Council Special Study Session Meeting (Sheri Hartz)

Attachments: [Action Minutes](#)

- 7.3. [ID-2016-504](#) Action Minutes of the July 19, 2016 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

- 7.4. [ID-2016-493](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Professional Services Agreement With Callander Associates For Landscaping Design Services For Park Improvements At The Greenway Powell To Stanford (Peladeau Park And Greenway) Increasing The Compensation Amount By \$18,432 To A Revised Total Not To Exceed \$133,633, To Be Reimbursed By State Proposition 84 Grant #SW-01-0007 (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Resolution](#)
[Contract Amendment](#)

Enactment No: 16-113

- 7.5. [ID-2016-496](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Purchasing And License Agreement With Spillman Technologies, Inc. For Software, Services, And Hardware Necessary To Implement A New Computer Aided Dispatch And Records Management System In The Police Department In An Amount Not To Exceed \$338,058. (Jennifer Tejada / Michael Parenti)

Attachments: [Staff Report](#)
[Resolution](#)
[Purchase and License Agreement](#)

Enactment No: 16-114

- 7.6. [ID-2016-500](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract #CSPP-6008 With The State Department Of Education, Office Of Child Development For Fiscal Year 2016-2017 In The Amount Of \$171,424 And Appropriate Said Funds When Received To Account 230-53600. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Resolution](#)
[ECDC State Contract](#)

Enactment No: 16-115

- 7.7. [ID-2016-425](#) City Trash Receptacles (Maurice Kaufman / Nancy Humphrey)

Attachments: [Staff Report](#)
[Map](#)
[Photos](#)
[Eco-Pop Requisition](#)

- 7.7.1. [ID-2016-426](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Purchase 37 New Trash Receptacles With Recycling Tops From Forms+Surfaces In An Amount Not To Exceed \$ 73,013.28 (CIP# 16475003).

Attachments: [Resolution](#)

Enactment No: 16-116

- 7.7.2. [ID-2016-427](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Purchase 140 Trash Receptacle Lids From Eco-Pop Designs, In An Amount Not To Exceed \$70,385.00 (CIP# 16475003)

Attachments: [Resolution](#)

Councilmember Atkin pulled Item 7.7.2 from the Consent Agenda for separate consideration.

Moved by Council Member Davis, seconded by Vice Mayor Donahue to approve the resolution. No vote was taken.

Substitute Motion made by Council Member Atkin, seconded by Council Member Asher, to allocate funds toward the purchase of new trash receptacles rather than expending funds for replacement lids. Staff will return to a future meeting with a revised resolution.

Ayes: 3 - Mayor Martinez, Council Member Asher, and Council Member Atkin

Noes: 2 - Vice Mayor Donahue, and Council Member Davis

8. PUBLIC HEARINGS

- 8.1. [ID-2016-499](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To The Emery Unified School District For Construction Work On All Weekdays From 6:00 P.M. To 8:00 P.M. And On All Saturdays From 9:00 A.M. To 6:00 P.M. From August 20, 2016 To October 30, 2016 (Except For Saturday, September 3) For Construction For The Emeryville Center Of Community Life Project On A Site Of About 7.7 Acres On The Block Bounded By San Pablo Avenue On The East, 47th Street On The South, 53rd Street On The North, And Emery Bay Village On The West. (APN: 13-1182-5-3, -8-4, And 23-4; 49-1181-1; 49-1182-15-8) (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Resolution](#)
[Noise Waiver Request Letter](#)

Public Hearing opened at 10:19 p.m.

Unidentified male spoke in support of granting the waiver.
Christian Patz spoke in opposition to granting the waiver.
John Baker provided explanation of why the waiver was needed.

Public Hearing closed at 10:21 p.m.

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

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Enactment No: 16-117

9. ACTION ITEMS

- 9.1. [ID-2016-498](#) Informational Report On Emeryville Sport Fishing Concession Agreement (Michael Guina / Maurice Kaufman)

Attachments: [Staff Report](#)
[Concession Agreement](#)
[Agreement Extension \(Month to Month\)](#)
[PUBLIC COMMENT: Girardi Law Firm For Andy Guiliano](#)
[PUBLIC COMMENT: Emeryville Sportfishing Charter Boat Fleet.Letter](#)

City Attorney Michael Guina provided an informational report.

- 9.2. [ID-2016-495](#) Resolution Of The City Council Of The City Of Emeryville Certifying The Final Environmental Impact Report For The Sherwin Williams Development Project And Making Findings Required By The California Environmental Quality Act (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Resolution](#)
[Draft Environmental Impact Report \(DEIR\) \(large file\)](#)
[DEIR Appendices \(large file\)](#)
[Response to Comments Document \(RTC\) \[DEIR + RTC = Final EIR\] \(large file\)](#)

This matter was continued to the City Council meeting of September 6, 2016.

- 9.3. [ID-2016-494](#) Resolution Of The City Council Of The City Of Emeryville Denying The Swagelok Company's Appeal Of The City's Notice Of July 1, 2015, Identifying Swagelok As A Responsible Party For The Investigation And Clean Up Of A Release Of Hazardous Materials On, Under, Or From Blighted Property Located At 5679 Horton Street Which Is Located Within A Blighted Area Bounded By Powell Street To The North, Shellmound Street To The West, Christie Avenue, Stanford Avenue And The Emeryville Greenway To The South And East Due To The Presence Of Hazardous Materials. (Michael Guina)

Attachments: [Staff Report](#)
[Attachments to Staff Report](#)
[Resolution](#)

City Attorney Guina introduced Special Counsel Robert Doty who read a statement into the record from Sonya Inglin, the attorney representing Swagelok, who was unable to stay for the item.

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

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Enactment No: 16-118

- 9.4. [ID-2016-459](#) Designation of Voting Delegates and Alternate(s) to the League of California Cities Annual Conference. (Carolyn Lehr)

Attachments: [Staff Report](#)
[Annual Voting Procedures](#)
[Voting Delegate-Alternate Form](#)

A motion was made by Council Member Asher, seconded by Mayor Martinez, to designate Mayor Martinez as the Annual Conference voting delegate and Ruth Atkin as the alternate. The motion carried by the following vote:

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

10. CITY AS HOUSING SUCCESSOR

11. COMMUNICATION AND REPORTS

11.1. Department Heads

No reports were given.

11.2. Council Members

No reports were given.

11.3. Council Members Reporting on Meetings Attended

No reports were given.

12. COMMUNITY ADVISORY BODY VACANCIES

There was no report given.

13. ADJOURNMENT

The meeting was adjourned at 10:42 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council

/Sheri Hartz/

Sheri Hartz, City Clerk