



CITY OF EMERYVILLE

ACTION MINUTES

City Council

Emeryville City Hall
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Emeryville, CA 94608

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Members:

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

Tuesday, September 6, 2016

7:16 PM

Council Chambers

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 9:05 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-2016-521](#) Proclamation of the City Council of the City of Emeryville Proclaiming October 1, 2016 and All First Saturdays of future Octobers as Bay Day in the City of Emeryville (Mayor Dianne Martinez)

Attachments: [Proclamation](#)

The proclamation was accepted by the Council but not read aloud in the interest of time and since no one was present to receive it. It was mailed to the ABAG Bay Trail Project Manager.

- 3.2. [ID-2016-536](#) Recognition of Student Scholarship Winners Renita Pitts and Jasmine Breedlove (Council Member Jac Asher)

Due to the lateness of the hour, the recipients were unable to stay, so their certificates of recognition were mailed to them.

4. PUBLIC COMMENTS

1. Anita Schools spoke in support of the affordable housing bond.

2. Katherine Samuels spoke regarding homelessness.

3. Breann Gala, also spoke in support of Measure A1, the affordable housing bond.

5. CITY MANAGER'S REPORT

There was no report given.

6. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

7. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Davis, seconded by Council Member Asher, to approve the Consent Agenda, with Item 7.5 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-2016-534](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this item.

- 7.2. [ID-2016-546](#) Action Minutes Of The August 16, 2016 Emeryville City Council / City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 7.3. [ID-2016-538](#) Action Minutes of the August 16, 2016 Emeryville City Council Special Study Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 7.4. [ID-2016-537](#) Action Minutes of the August 16, 2016 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 7.6. [ID-2016-530](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Fourth Amendment To The Professional Services Agreement With LSA Associates To Increase The Maximum Compensation By \$16,485 For A Total Amount Not To Exceed \$411,300 For Environmental Analysis Of The Proposed Sherwin Williams Mixed Use Project (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Resolution](#)

[Contract Amendment](#)

Enactment No: 16-121

- 7.5. [ID-2016-524](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Mayor To Sign A Letter Supporting The 2016 Alameda County Affordable Housing Bond (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)

[Resolution, including Exhibit A: Letter of Support](#)

[Attachment 1 - Housing Bond Fact Sheet](#)

Council Member Atkin pulled Item 7.5 for separate consideration.

A motion was made by Council Member Davis, seconded by Council Member Asher, to approve Item 7.5.

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

Enactment No: 16-120

8. PUBLIC HEARINGS

Mayor Martinez reordered the public hearings to accomodate those in the audience who were waiting for particular items.

- 8.2. [ID-2016-520](#) 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 \(RTC\) \[DEIR + RTC = Final EIR\] \(large file\)](#)
[Public Comment: Comment Letter on FEIR - Anna Shimko](#)
[Public Comment: Comment Letter on FEIR - Tim Curran](#)
[Public Comment: 8-31-16 Post RTC Responses Memo](#)
[Public Comment: LMC Emeryville - Letter Rebutting 4 comment letters on FEIR](#)
[Public Comment: Gary Grimm & Ann Holsberry.Email.082516](#)

Senior Planner Miroo Desai introduced Judy Malamut from LSA who gave the presentation, along with Katherin Tellez, Fehr and Peers.

The Public Hearing opened at 9:34 p.m.

1. Richard Ambro requested delay in certification so more investigation could be done into protecting potential cultural resources at the site.
2. Jennifer West spoke in support of implementing Green Trip strategies and certifying the project.
3. Anna Shimko spoke on behalf of the applicant and in support of certification.
4. Brian Donahue opposed certification.
5. Tyler Evje supported certification.
6. Tim Curran opposed certification.

The Public Hearing closed at 9:51 p.m.

A motion was made by Council Member Davis, seconded by Vice Mayor Donahue, 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: 16-122

At 10:03 p.m., Mayor Martinez passed the gavel to Vice Mayor Donahue and left the meeting.

- 8.3. [ID-2016-531](#) Resolution Of The City Council Of The City Of Emeryville Approving Assignment Of The Sport Fishing Concession Agreement Between The City Of Emeryville And Craig Stone To Andrew Guiliano And Authorizing The City Manager To Execute Written Approval Of Assignment

Attachments: [Staff Report](#)
[Resolution \(Attachment 1\)](#)
[Attachment 2](#)
[Attachment 3](#)
[Public Comment: Summons Cross Complaint](#)
[Public Comment: Girardi Law Firm.090316](#)

The staff presentation was given by Assistant City Attorney Andrea Visveshwara.

The Public Hearing opened at 10:08 p.m.

1. Randall Crane, representing Mr. Boudames, spoke in opposition to the concession being assigned to Andrew Guiliano.
2. Andrew Guiliano stated there was no merit to allegations posed by Mr. Crane.
3. Jay Yokumizo spoke in favor of Mr. Guiliano being assigned the concession.
4. Michelle Shadows, on behalf of the Emeryville Marina Harbormaster, spoke in support of continuing the concession.
5. John Yokomizo spoke in opposition to Mr. Boudames being assigned the concession.
6. Andrew Guiliano spoke again with more information.

The Public Hearing closed at 10:23 p.m.

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: 4 - Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Absent: 1 - Mayor Martinez

Enactment No: 16-123

- 8.1. [ID-2016-522](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Article 6 Of Chapter 4 Of Title 9 Of The Emeryville Municipal Code Regarding Water Efficient And Bay Friendly Landscaping; CEQA DETERMINATION: Exempt Pursuant to CEQA Guidelines 15307 and 15061(b)(3) (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Attachment 1 - Prescriptive Requirements Smaller Landscapes, with markup](#)

[Attachment 2 - Performance Requirements Larger Landscapes, with markup](#)

[Proposed Ordinance](#)

The Public Hearing opened at 10:29 p.m. There was no public testimony. The Public Hearing closed at 10:29 p.m.

A motion was made by Council Member Davis, seconded by Council Member Asher, to read by title only this Ordinance. The motion carried by the following vote:

Ayes: 4 - Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Absent: 1 - Mayor Martinez

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

Ayes: 4 - Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Absent: 1 - Mayor Martinez

9. ACTION ITEMS

- 9.1. [ID-2016-544](#) Alameda County Fire Department Quarterly Report. (Dave Winnacker)

Chief Winnacker gave the report.

- 9.2. [ID-2016-527](#) Lumec Streetlight LED Retrofit Project, EPW 106-16 (Maurice Kaufman / Keely Nelson)

Attachments: [Staff Report](#)
[Exhibit A - Project Overview Map](#)

There was no staff presentation given.

- 9.2.1.** [ID-2016-528](#) 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 The Lumec Streetlight LED Retrofit, Project No. EPW 106-16, CIP No. 15475015.

Attachments: [Resolution](#)

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

Ayes: 4 - Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Absent: 1 - Mayor Martinez

Enactment No: 16-124

- 9.2.2.** [ID-2016-529](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Approve A Purchase Order With Independent Utility Supply In An Amount Not To Exceed \$982,930.04 For Lumec Materials For The Lumec Streetlight LED Retrofit, Project No. EPW 106-16, CIP No. 15475015; CEQA Determination Is Exempt Pursuant To 15301(c). (Maurice Kaufman / Keely Nelson)

Attachments: [Resolution](#)
[Material Quote](#)

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

Ayes: 4 - Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Absent: 1 - Mayor Martinez

Enactment No: 16-125

- 9.3.** [ID-2016-526](#) Resolution Of The City Council Of The City of Emeryville Approving the Conceptual Design For The Halleck Beach Dog Park, Project No. EPW 107-16, CIP Number 15475025. (Maurice Kaufman / Keely Nelson)

Attachments: [Staff Report](#)
[Exhibit A - Conceptual Plan](#)
[Resolution](#)

Public Works Director Maurice Kaufman introduced the item and introduced John Cahalan of John Cahalan Landscape Architects (JCLA), who gave the presentation.

PUBLIC COMMENT

Rob Arias suggested that public art be incorporated into the dog park.

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

Ayes: 4 - Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Absent: 1 - Mayor Martinez

Enactment No: 16-126

10. COMMUNICATION AND REPORTS

10.1. Department Heads

10.1.1. [ID-2016-523](#) Planning Director's report on Planning Commission actions at the August 25, 2016 meeting:

(a) 5876 Beaudry Street New Unit - Proposal for a new one-bedroom unit at a property with two existing units. *

(b) Doyle Street Lofts Amendment - Proposal to add square footage to two previously approved units at 5532 Doyle Street resulting in no exterior design modifications. **

(c) 6 Unit Townhomes - Study session to review a proposal to demolish four existing residential units and replace them with six new residential units at 5876 - 5880 Doyle Street. ***

(d) Rug Depot Redesign - Study session to review a proposal to modify two existing buildings to provide interior parking spaces and two medium-sized retail locations at 4045 Horton Street and 4056 Hubbard Street.

(e) 4-Plex Expansion - Study session to review a proposal to add below grade parking and additional floor area to an existing four unit residential building at 1271 64th Street.

* Item subject to "call for review" (i.e. appeal) by motion of the City Council pursuant to Section 9-7.1406 of the Planning Regulations.

** Item requires City Council approval and is tentatively scheduled for Public Hearing at the September 20, 2016 City Council meeting.

*** Item will require City Council approval.

The packet for the August 25, 2016 Planning Commission meeting can be viewed online at
<<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>>

Director Bryant gave the report.

10.2. Council Members

Council Member Atkin reported on ECCL ribbon cutting event.

10.3. Council Members Reporting on Meetings Attended

There were no reports given.

11. COMMUNITY ADVISORY BODY VACANCIES

12. ADJOURNMENT

The meeting was adjourned at 11:02 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