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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina
Council Member Christian R. Patz

Tuesday, February 2, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:19 p.m. The Mayor previously read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor's Executive Order in response to the COVID-19 State of Emergency.

2. ROLL CALL

Present: 5 - Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina
Council Member Christian R. Patz

3. APPROVAL OF FINAL AGENDA

A motion was made by Vice Mayor Donahue, seconded by Council Member Patz, to approve the Final Agenda. The motion carried by the following vote:

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, Council Member Medina, and Council Member Patz

4. SPECIAL ORDERS OF THE DAY

Mayor Martinez acknowledged February as Black History Month, stating that Black Lives Matter, and that Emeryville stands in solidarity with those who want to change the practice of continuing to oppress Black people.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that there were two vacancies on the Planning Commission, one on the Budget Advisory Committee, and

two on the Commission on Aging. She stated that the application deadline would be March 15, 2021 with appointments to be made on March 16.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Mayor Martinez announced the passing of former Emeryville City Manager Carolyn Lehr.

Council Member Bauters announced that CalTrans would be conducting two surveys; one about creating bicycle highways around the Bay Area and the other about dangerous intersections.

7. CITY MANAGER'S REPORT

No report was given. City Manager Daniel also acknowledged Former City Manager Lehr's passing.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported having had conversations with representatives from Bird Scooters regarding Item 12.3.

Mayor Martinez reported that each Council Member had received an email from Celeste Burrows with regard to Item 12.1.

9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

There were no comments made.

10. CONSENT ITEMS

Approval of the Consent Calendar

A motion was made by Council Member Patz, seconded by Vice Mayor Donahue, to approve the Consent Calendar. The motion carried by the following vote:

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, Council Member Medina, and Council Member Patz

10.1. [ID-2021-052](#) Warrants. (Brad Farmer)

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

A motion was made to approve this Informational Report.

10.2. [ID-2021-057](#) Action Minutes of January 19, 2021 Special Closed Session (City Council / Management of Emeryville Services Authority / City of Emeryville as Successor Agency to the Emeryville Redevelopment

Agency). (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2021-061](#) Action Minutes of January 19, 2021 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2021-058](#) Action Minutes of January 19, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2021-060](#) Action Minutes of January 19, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

11. PUBLIC HEARINGS

There were no Public Hearings listed.

12. ACTION ITEMS

- 12.1. [ID-2021-054](#) Appointments To The ACTC Paratransit Advisory And Planning Commission And Economic Development Advisory Committee: (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)

[Applicant: John Suter](#)

[Applicant: Diane Zuniga](#)

[Applicant: Jean-Philippe Gorrut](#)

[Applicant: Kirsten Walraven](#)

- 12.1.1 [ID-2021-055](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Resident To Serve On The Alameda County Transportation Commission's Paratransit Advisory And Planning Commission For A Term Commencing Immediately And Ending December 31, 2022; Amending The Publicly Noticed FPPC Form 806 As Required By FPPC Regulation 18705.5; And Amending The 2021 City Roster Of County, Regional And Statewide Bodies Accordingly

Attachments: [Draft Resolution \(PAPCO\)](#)

[ACTC Paratransit Advisory and Planning Commission Roster](#)

Applicants John Suter and Diane Zuniga were present to be interviewed by the Council Members.

No action was taken on this Action Item.

- 12.1.2** [ID-2021-056](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Large Business Representative On The Economic Development Advisory Committee For A Term Commencing Immediately And Ending June 30, 2022; And Amending The FY2020-21 Local Roster Of Boards, Commissions And Committee Accordingly

Attachments: [Draft Resolution \(EDAC\)](#)

[Economic Developemnt Advisory Committee Roster](#)

[APPROVED Resolution No. Resolution 21-08](#)

Applicants Jean-Philippe Gorrut and Kirsten Walraven were present to be interviewed by the Council Members.

A motion was made by Vice Mayor Donahue, seconded by Council Member Bauters, to approve appoint Jean-Philippe Gorrut. The motion carried by the following vote:

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, Council Member Medina, and Council Member Patz

Enactment No: Resolution No. 21-08

- 12.2.** [ID-2021-050](#) An Ordinance Of The City Council Of The City Of Emeryville Amending Section 5-28.06(d) Of The Emeryville Municipal Code, "Cannabis, Review of Applications - Appeal of Disapprovals and Suspensions" (CEQA Determination: Exempt Pursuant To CEQA Guideline 15061(b)(3)) (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Proposed Ordinance](#)

Council Member Medina recused herself from consideration of this item based on it involving a potential source of income to her.

Economic Development and Housing Manager Smalley gave the staff report on this related item, and responded to Council Member questions.

Council discussion ensued, with consensus being reached to bring this item back to a future date.

- 12.3. [ID-2021-047](#) Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 13, "Dockless Shared Mobility Systems," to Title 4 Of The Emeryville Municipal Code To Establish Regulations And New Permits To Operate Dockless Shared Mobility Systems In The Public Right Of Way (CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15061(b)(3), 15378(a),(b)(3)). (Mary Grace Houlihan / Nancy Humphrey)

Attachments: [Staff Report](#)

[Draft Ordinance Amendment](#)

Environmental Programs Supervisor Nancy Humphrey gave the staff report on this item, and responded to Council Member questions.

PUBLIC COMMENT:

1. Bob Walsh, Bird Scooters, expressed support for the newly proposed amendments to the ordinance, but questioned the advisability of the locking mechanism.

2. Alex April, Spin Scooters, expressed full support for the newly proposed ordinance.

Council discussion ensued, and consensus was reached to amend the proposed ordinance by adding "10. Handrails" and adding the language "which shall not include trees" within Section 4-13.04 (b).

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

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, Council Member Medina, and Council Member Patz

City Attorney Guina read aloud the title of the proposed ordinance.

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

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, Council Member Medina, and Council Member Patz

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2021-051](#) Planning Director's report on Planning Commission actions at the January 28, 2021 meeting:

(a) Elevation 22 Street Tree Removal. Consideration of a Tree Removal Permit to allow removal and replacement of

three Camphor (*Cinnamomum camphora*) trees on the west side of Doyle Street north of Powell Street, and one Marina madrone (*Arbutus X 'Marina'*) tree on the Emeryville Greenway near the corner of Hollis Street and Powell Street.

- (b) Emery Go-Round Temporary Fleet Parking Conditional Use Permit Amendment. Consideration of a second amendment to a Conditional Use Permit that was approved by the Planning Commission on March 15, 2018 to use approximately three-fourths of the "Rifkin Lot" at 4555 Horton Street to park Emery Go-Round buses and employee cars. The first amendment, approved by the Planning Commission on February 27, 2020, was to extend the permitted occupancy of the site from two years to three years. This second amendment is to extend the termination of the permitted occupancy of the site from April 15, 2021 to June 30, 2021.
- (c) Garage Conversion into Two Bedrooms. Consideration of a Conditional Use Permit and Design Review application to convert a first-floor garage into two additional bedrooms for a ground-floor unit in an existing duplex at 1017 47th Street, resulting in a floor area ratio (FAR) of 0.56, which exceeds the base FAR of 0.5.

The packet for the January 28, 2021 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Bauters requested and received majority support for Council to discuss the City's Municipal Code regarding the Planning Regulations Zoning Districts section 9-3.202 at a future meeting.

Mayor Martinez requested and received majority support for holding a study session to discuss creating opportunities for cannabis businesses to come to the City as part of the revenue diversification process.

15. ADJOURNMENT

The meeting adjourned at 8:50 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