

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, July 19, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman all present.

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:04 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Councilmember Jan Bridges.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Lyman acknowledged those who had lost their lives in the last few weeks and asked all present to observe a moment of silence for Philando Castille, Alton Sterling, Police Officers Brent Thompson, Patrick Zamarripa, Michael Kroll, Sergeant Michael Smith, Sergeant Corporal Lorne Ahrens, Officer Montrell Jackson, Officer Brad Garafola, Officer Matthew Gerald and UC Berkeley Student Nick Leslie.

Karen Pinkos, Assistant City Manager, introduced Kristen Cunningham, Senior Human Resources Analyst, to the public and City Council.

Mayor Lyman announced the rescheduling of a public hearing related to the amendment of the Master Fee Schedule from this evening to August 16, 2016 at 7:00 p.m.

Mayor Pro Tem Abelson announced that the City's Centennial Planning Task Force has been meeting and is planning one gala event and events each month throughout the year. Mayor Pro Tem Abelson asked anyone who belongs to a community group and is interested in participating in the celebrations to contact Suzanne Iarla, Assistant to the City Manager or any other staff in the city.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond complained about being stopped by an El Cerrito Police officer during the day and said he felt like his rights were violated.

Bill Pinkham, Richmond, urged the City Council to support agenda Item No. 5F urging the Bay Area Air Quality Management District to adopt the Community Worker Alternative in Rule 12-16 and endorse the resolution.

Al Miller, El Cerrito, spoke about his participation in the El Cerrito Relay-for-Life, which raised \$23,000 for the American Cancer Society. The event was well attended and was a real community builder. Mr. Miller also invited all to attend the annual El Cerrito Rotary Sip and Savor event on October 16, 2016 from 2:30- 5:30 p.m. at Mira Vista Country Club.

Nicholas Arzio, El Cerrito, asked that an additional flashing crosswalk be placed at Portola Drive and San Pablo Avenue to make the crosswalk safer. Additionally, Playland-Not-at-the-Beach, a magical place for children, is struggling financially and will have to close at the end of the year if it does not receive a large amount of money. A gofundme.com account has been opened to raise funds for Playland-Not-at-the-Beach.

Rebecca Milliken, El Cerrito, thanked the City Council for its leadership in sustainability and urged the Council to support Agenda Item No. 5(F) urging the Bay Area Air Quality Management District to adopt the Community Worker Alternative in Rule 12-16.

4. PRESENTATION - None

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(J)

Moved, seconded (Abelson/Friedman) and carried unanimously to approve Consent Calendar Item Nos. 5(A) through 5(D) and 5(F) through 5(J) in one motion as indicated below. Consent Calendar Item No. 5(E) was removed from the Consent Calendar by Mayor Lyman.

A. National Night Out Proclamation

Approve a proclamation calling upon all residents of the City of El Cerrito to participate in “National Night Out” on Tuesday, August 2, 2016 in the City of El Cerrito.

Action: Approved proclamation.

B. I-80/Central Avenue Interchange Improvement Project

Adopt a resolution authorizing the City Manager to execute Amendment No. 2 to Cooperative Agreement No. 07W.02 between the Contra Costa Transportation Authority (CCTA), the City of El Cerrito, and the City of Richmond for final design services and construction of I-80/Central Avenue Interchange Improvement Project, Phase 1. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016–52.

C. Payment of El Cerrito’s share of the West Contra Costa Integrated Waste Management Authority Operating Expenses for Fiscal year 2015-16 and First Half of Fiscal Year 2016-17

Adopt a resolution authorizing payments for the City of El Cerrito’s share of the West Contra Costa Integrated Waste Management Authority’s operating expenses in the amounts of \$60,140 for Fiscal Year 2015-16 and \$30,460 for the first half of Fiscal

Year 2016-17.

Action: Adopted Resolution No. 2016–53.

D. Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project

Adopt a resolution authorizing the City Manager to execute a Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement between West Contra Costa County Transportation Advisory Committee (WCCTAC) and the City of El Cerrito for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016–54.

E. Exclusive Negotiating Rights Agreement with Holliday Development, LLC and BRIDGE Housing Corporation for the Development of the Mayfair Block

Adopt a resolution designating Holliday Development, LLC and BRIDGE Housing Corporation jointly as the proposed developer for the Mayfair Block, and authorizing execution of an Exclusive Negotiating Rights Agreements (ENRA) with Holliday Development, LLC and BRIDGE Housing Corporation.

Action: Removed from the Consent Calendar by Mayor Lyman for the purpose of congratulating and thanking Holliday Development and Bridge Housing Corporation for bringing 68 affordable housing units to El Cerrito. Moved, seconded (Friedman/Bridges) and carried unanimously to adopt Resolution No. 2016–55.

F. Urge the Bay Area Air Quality Management District to Adopt the Community Worker Alternative in Rule 12-16

At the request of Councilmember Abelson adopt a resolution urging the Bay Area Air Quality Management District to present the Community – Worker Alternative for proposed Rule 12-16 and adopt the Community – Worker Alternative in Rule 12-16 to ensure community and refinery work health and safety.

Action: Adopted Resolution No. 2016–56.

G. Support for the “Safety for All” Initiative

At the request of Councilmember Quinto, adopt a resolution supporting the “Safety for All” Initiative on the upcoming November 2016 ballot.

Action: Adopted Resolution No. 2016–57.

H. Committee on Aging Membership Recommendation

At the request of the Committee on Aging, approve a recommendation to appoint Katherine Cesa to the Committee on Aging, effective July 19, 2016.

Action: Katherine Cesa appointed to the Committee on Aging, effective July 19, 2016.

I. Urging Support for the Restoration of Adult Education Funding to the California State Budget

At the request of the Committee on Aging, authorize Mayor Lyman to sign and send letters to Governor Brown, Senator Hancock, Assemblymember Thurmond and Assemblymember Lopez urging the restoration of funding for Adult Education’s Older Adults programs in the California State budget.

Action: Approved recommendation.

J. Amendment to Summer 2016 City Council Meeting Schedule

Amend the Summer 2016 City Council meeting schedule approved on June 21, 2016 to reinstate and convene the previously cancelled regularly scheduled August 2, 2016 meeting at 7:00 p.m.

Action: Regular August 2, 2016 City Council meeting reinstated.

6. PUBLIC HEARINGS

A. Fire Hazard Abatement

1) Adopt a resolution declaring that weeds, rubbish, litter or other flammable material on certain real property identified in the resolution constitutes a public nuisance. *Exempt from CEQA.*

2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26

Presenter: Christopher Renshaw, Fire Prevention Officer/Captain. No speakers.

Actions: Moved, seconded (Bridges/Abelson) and carried unanimously to adopt Resolution No. 2016-58, including a revised Exhibit A, declaring that weeds, rubbish, litter or other flammable material on certain real property identified in the resolution constitutes a public nuisance.

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Bridges/Abelson) and carried unanimously to close the public hearing.

Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Resolution No. 2016-59, including a revised Exhibit A, overriding objections and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

B. Appeal of the Planning Commission's Approval of Amendments to a Conditional Use Permit for the Summit K2 Charter School Located at 1800 Elm Street

Conduct a Public Hearing and upon conclusion adopt resolutions: 1) Certifying the Subsequent Environmental Impact Report; and 2) Denying an appeal and upholding the Planning Commission's approval of amendments to a Conditional Use Permit for the Summit K2 Charter School located at 1800 Elm Street.

Councilmember Friedman stated that he is recusing himself from this item because the Foundation he works for gave a grant to Summit to assist with start-up costs for the school. Councilmember Friedman said he was recusing himself from the hearing to avoid any appearance of partiality. He removed himself from the proceedings and left the Council Chambers.

Staff Presentation: Sean Moss, Senior Planner.

Ex parte Disclosures: Mayor Lyman announced that the City Council received several supplemental communications from the public that are at the dais this evening however it is not an exhaustive list of all submissions received. Mayor Lyman also reported that he spoke with Daisy Leong on the phone who wanted to make sure he was reading his packet.

Mayor Pro Tem Abelson reported that she also received phone calls from Daisy Leong and Joanna Pace and told them that she could not discuss the item. Mayor Pro Tem Abelson also reported that she received an email from Steve Chamberlin who wanted to meet with her and show her the campus. Mayor Pro Tem Abelson told him she would be pleased to visit the campus after the item was decided but could not meet at this time.

Councilmember Bridges stated that she is the Council liaison to the Planning Commission and reported that she received an email and call from a neighbor that lives on Elm Street who expressed concerns about what was going on and also expressed concerns about parking, noise and traffic. Councilmember Bridges also received comments over the weekend from one of the appellants about the same concerns expressed earlier and email invitations from the Chamberlains that were declined.

Councilmember Quinto received a phone call from Daisy Leong regarding her area on Manor Circle and also received a phone call from Mr. Chamberlin who asked Councilmember Quinto if he wanted to take a tour of the building. Councilmember Quinto stated that he had seen the building many times. Councilmember Quinto also stated that he received many emails and read each of them.

Mayor Lyman opened the public hearing.

Appellant Presentation: Al Moore, Attorney, Wendel, Rosen, Black and Dean LLP, representing the appellants, stated that the neighbors and appellants feel that they haven't had a voice and that their concerns have not been addressed in a way that has made them comfortable with prior proceedings. Mr. Moore complained that the appellants and neighbors did not receive a copy of Supplemental Communications II which contains reports and a resolution prepared by staff this evening and asked that the hearing be continued to allow everyone to read the documents and respond to them. Mr. Moore expressed concerns about parking and stated that the rights of the school have to be balanced with the rights of residents.

Steve Haines, Appellant, stated that the increased enrollment is unprecedented in the neighborhood, the impacts are significant and that all issues need a full and proper evaluation. Mr. Haines expressed concerns about the traffic study and stated that traffic far exceeds what the EIR reports.

Franklin Leong, Appellant, expressed safety and security concerns associated with increased enrollment and stated that there will be significant, unavoidable impacts on the surrounding community. There is already heavy traffic and traffic congestion in the area. Mr. Leong also complained about rocks being thrown on his roof and asked the City Council not to approve the expansion.

Joanna Pace, stated that the neighbors feel that they haven't been listened to and that all the material that has been shared has not been analyzed or read thoroughly by the decision makers.

Applicant Rebuttal: Doug Giffin, Chamberlin Associates, stated that outreach has taken place in the community, discussed the School's commitment to the community, traffic and parking in relation to other schools in the city, noise and transparency solutions and also spoke about security, student safety and good neighbor solutions.

Linda Klein, Attorney, Cox, Castle & Nicholson, noted that a letters from the appellants regarding the appeal were received on July 12 and July 18 when the deadline for submitting the appeal was June 27, 2016 and also noted that the city has not adopted a threshold for parking in the city and that parking is not a CEQA issue in this matter.

Kelly Garcia, Executive Director, Summit School, provided information regarding student lunch scheduling, staff commute choices and parking.

Amy, Lopez, Kittelson & Associates, provided information regarding the applicant's traffic studies.

Public Testimony: Thirty-six speakers.

Cordell Hindler, Richmond, spoke in support the Charter School.

Susan Chamberlin, Richmond, spoke in support of the Summit K2 Charter School. Ms. Chamberlin stated that she and her husband have invested heavily in the students of West Contra County, including the Summit campus, and are committed to equal access and a quality public school education. Ms. Chamberlin said that the property has been restored, that they are proud of it and noted that the Planning Commission unanimously approved Summit's request for expansion.

Bill Golove, El Cerrito, spoke in support of Summit School and has rented it for basketball for the past twenty years.

Debra McCaffrey, Kensington, expressed concerns regarding traffic and spoke in support of the appeal of the expansion.

George Gager, El Cerrito, spoke in support of Summit K2 School.

Lauren Campbell, El Cerrito, spoke in support of Summit K2 School.

Felicia Campbell, El Cerrito, spoke in support of Summit K2 School.

Leon Walker, El Sobrante, spoke in support of Summit K2 School.

Bill Davis, Pinole, spoke in support of Summit K2 School and urged the City Council to deny the appeal.

Susan Riggle, El Cerrito, stated that Summit evaded the question about a high school when it went before the West Contra Unified School District Board of Education in 2013 and said no one cares that the neighborhood doesn't want 300 more students at the school or that the Board at that time said the school could not accommodate it.

Kristen McCaw, Chief of Summit School, spoke in support of Summit School and shared additional context about the school.

Lorraine Sonoda, El Cerrito, stated that she currently experiences traffic impacts from the school and that there will be significant impacts from the school if it expands and asked that parking enforcement enforce the parking limit.

Kazue Nakahara, El Cerrito, expressed concerns about traffic and noise in the area near the school and the financial impacts that charter schools have on public schools.

Kim Zvik, Kensington, spoke in support of Summit K2, particularly within the historical context of the school and the school's proximity to BART.

David Elsaessar, El Cerrito, spoke in support of the appeal and urged the City Council to say no to the expansion.

Kelly Garcia, Summit K2, spoke in support of Summit K2 School, its diversity and its educational equity opportunities and urged the City Council to uphold the Planning Commission's unanimous decision to approve Summit's use permit amendments.

Zach Jackson, El Cerrito, discussed a listing of El Cerrito businesses who support Summit K2 School that was submitted to the Council this evening and urged the City Council to deny the appeal.

Michael Ray Wisley, Richmond, spoke in support of Summit K2 School and asked the City Council to deny the appeal.

Dora Granera, Richmond, spoke in support of the merits of Summit K2 School and asked the City Council to uphold the unanimous decision of the Planning Commission.

Marlene Keller, El Cerrito, said she saw no reason not to support Summit's desire to expand and the Planning Commission's unanimous decision and asked the City Council to think of the issue in terms of policy trade-offs and return on investment, particularly Summit's diverse, inclusive environment.

Eugene Go, El Cerrito, stated that he supports safe and excellent education for all students and expressed concerns regarding safety issues, security challenges and bullying associated with older students and impacts on the Police Department.

Jeff Rosenfeld, El Cerrito, said he was puzzled by the planning process that occurred, commented on projections in the traffic reports, the General Plan and development that he feels the City does not need.

William M. Jones, Richmond, encouraged the City Council to welcome children and let them know that the City is investing in the children's future and success.

Hannah Kim, El Cerrito, spoke in support of the merits of Summit School.

Linda Ruiz-Lozito, East Richmond Heights, asked the City Council to support Summit's students by supporting the conditional use permit.

Maia Correia, El Cerrito, spoke in support of Summit K2 School and asked the City Council to uphold the Planning Commission's unanimous decision to allow expansion.

Alonso Raimilla-Couture, El Cerrito, spoke in support of Summit K2 School.

Helen Couture Rodriguez, El Cerrito, encouraged the City Council to deny the appeal.

Miguel Raimilla, El Cerrito, spoke in support of Summit K2 School.

Valerie Snider, El Cerrito, stated that one of the three appellants is not a resident of the Summit neighborhood and asked whether she could appeal the Planning Commission's decision.

Daisy Leong, El Cerrito, appellant, said that she and her neighbors support education and also stated that a good neighbor would not proceed with an expansion if it knew it would adversely affect the neighbors and urged the Council to protect the neighbors next to Summit.

Susanna Spiro, El Cerrito, stated that she is in support of the appeal and feels that the expansion is inappropriate and out of character with the school. Ms. Spiro stated that the neighborhood may be at a tipping point with 600 new students at the school and reported that trash and rocks have been thrown over the fence into her yard.

Ann Flemer, El Cerrito, stated that the city has a great legacy of doing great planning and thorough analysis and asked that the appeal be denied.

Michael Wu, El Cerrito, stated that the Summit property will increase traffic and parking and also expressed concerns about noise.

Jane Kim, El Cerrito, urged the City Council to deny the appeal.

Troy Tyler, El Cerrito, spoke in support of Summit K2 School, stating that Summit fully supports and fits within the vision of the City as stated in the updated Strategic Plan.

Actions: Moved, seconded (Bridges/Abelson; Ayes – Councilmember Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) and carried to extend the meeting to 11:00 p.m.

Moved, seconded (Abelson/Bridges; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) to take a five minute recess and extend the meeting to 12:00 a.m.

Moved, seconded (Bridges/Quinto; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Moved, seconded (Bridges/Quinto; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2016–60 certifying the Subsequent Environmental Impact Report for the Summit K2 Operation Expansion Project, approving the Mitigation and Monitoring Reporting Program as revised and approving the Errata to the Summit K2 Operational Expansion Subsequent Environmental Impact Report. Specific changes include striking the last paragraph of Alternative B on page 6-6 of the Draft Subsequent EIR and revising the Mitigation and Monitoring Reporting program to reflect the change in mitigation measures identified in the errata which was presented to the Council as a supplemental communication this evening.

Moved, seconded (Abelson/Quinto; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2016–61 denying an appeal of the Planning Commission's approval of Application PL15-0006 and approving a conditional use permit to allow operation of a school with Grades 7 through 12 for a maximum of 630 students during the regular school year and a maximum of 315 students during the summer session at 1800 Elm Street as amended by Mayor Lyman to modify Conditions 18 and 19 of the resolution to read (*underlined text indicates language that was added, strike-out indicates text that has been deleted*):

18. All school-related activities in Area A, except for work parties, and as limited by other conditions of this approval, shall begin no earlier than 9:30 A.M. and end no later than 4:30 P.M., Monday through Friday, and shall be supervised by adults at all times. Additionally, in Area A, a maximum of 2 hours and 30 minutes of scheduled, active, non-directed play shall be permitted each day prior to 4:30 P.M., Monday through Friday, pursuant to Planning Commission Resolution No. 89-28.

19. In Areas B & C, a maximum of 2 hours and 30 minutes of scheduled, active non-directed play shall be permitted each day, prior to ~~3:30~~ 4:30 P.M., Monday through Friday, pursuant to Planning Commission Resolution No. 98-16.

As further amended by Mayor Pro Tem Abelson to add: 1) Condition of Approval No. 48 to require Summit School to contact the West Contra Costa Transportation Advisory Committee and take advantage of any transit options and incentives for people to get to and from school that are available to help alleviate issues associated with cars; and 2) Condition of Approval No. 49 to state that as part of the improvements to the Key/Elm/Hill Intersection, the project applicant shall provide accessibility improvements including the removal of sidewalk obstructions and including additional width as possible, where warranted.

As further amended by Councilmember Bridges to: 1) Add Condition of Approval No. 50 which would require the site operator to host quarterly meetings with the community and invite all the surrounding neighbors during the first year and perhaps beyond, to address any concerns the neighbors may have regarding operation of the school; and 2) Modify Condition 47 to read:

47. Prior to the commencement of each regular school year; the School Administrator shall submit a site specific safety plan for review and approval by the Chief of Police or his or her designee. This plan will include at a minimum the topics of emergency evacuation and mandatory reporting procedures. In addition, the School Administrator and the Chief of Police shall meet at least every 90 days to discuss security and policing needs of the site. Any policing services needed, such as a School Resource Officer, shall be funded by the project applicant/operator.

As amended on the floor, to modify Condition 10 to read:

10. To address neighborhood concerns, and subject to the City's approval process, up to 5 additional trees may be added to screen the windows of adjacent residences. Further, the existing ~~sound~~ fence located along the southern property line of the site ~~may~~ shall be extended up to an additional 65 feet. The materials used in the fence extension should be harmonious and compatible with existing materials already on site.

C. PL 14-0171 El Dorado Townhomes Tentative Subdivision Map

Conduct a public hearing and upon conclusion adopt a resolution approving the Tentative Subdivision Map for Planning Application PL 14-0171.

Mayor Lyman opened the public hearing.

Presenters: Sean Moss, Senior Planner, Keith McCoy, Partner, Urban Community Partners, Peter Stackpole, LCA Architects, Carol Roberts, Energy Inspectors.

Speakers: Howdy Goudey, El Cerrito, recognized the work of Sharon Maldonado in circulating a petition in support of the residents of Audiss RV Park, noted the significant impact on displaced residents and affordable housing and questioned whether the proposed development is consistent with the City's condo conversion ordinance, the General Plan and the Housing Element in its service to the community over the next 50 years or so and asked the Council to decline the application as presented and direct staff to work with the applicant to develop a socially responsible project consistent with city goals and policies.

Robin Mitchell, El Cerrito, spoke in support of the former residents of Audis RV Park and affordable housing and offered innovative solutions implemented by other cities.

Ms. Mitchell urged the City Council not to approve the project in its current form for the reasons stated by Mr. Goudey.

Nicholas Arzio, El Cerrito, praised Mr. Goudey and Ms. Mitchell for their comments and efforts and urged the Council to take actions mentioned by them.

Richard Norris, Attorney for the Project Developer, stated that he was pleased with staff's influence in helping the former residents of Audiss Park. Mr. Norris, stated that the project staff had not considered disability concerns beyond what is legally required and stated that an elevator in at least one unit may be possible if it is reasonably feasible to do it.

Moved, seconded (Friedman/Bridges) and carried unanimously to close the public hearing.

Actions: Moved, seconded (Friedman/Bridges) and carried unanimously to extend the City Council meeting to 12:15 a.m.

Moved, seconded (Abelson/Bridges; Ayes – Councilmembers Abelson, Bridges and Mayor Lyman; Noes – Councilmembers Friedman and Quinto) and carried to extend the City Council meeting to 1:00 a.m.

Moved, seconded (Friedman/Quinto) and carried unanimously to extend the City Council meeting to 1:15 a.m.

Moved, seconded (Abelson/Quinto) and carried unanimously to approve a substitute motion to continue the matter to September 20, 2016 to provide the applicants with an opportunity to respond to the Council's comments about the project regarding accessibility and affordability.

(A main motion rejecting the proposal in its current form which asked the applicant to return to Council with a project that includes a plan for accessibility and inclusion of some measure of affordable units combined with direction to staff to return to Council with a resolution of denial was withdrawn in favor of continuing the item to September 20, 2016.)

Moved, seconded (Abelson/Quinto) and carried unanimously to extend the City Council meeting to 1:45 a.m.

7. POLICY MATTERS

Placement of a General Obligation Bond Measure for a Safe Modern El Cerrito Library

1) Adopt a resolution finding that a Safe Modern El Cerrito Library is in the public interest and necessity. *(Adoption of the resolution requires four affirmative votes.);* 2) Introduce by title and waive any further reading of an ordinance to submit to the voters of El Cerrito at the November 8, 2016 election a measure authorizing the issuance of general obligation bonds ("GO bonds") for a Safe Modern El Cerrito Library Project. *(Introduction and subsequent approval of the ordinance also requires four affirmative votes. The measure authorizing the issuance of GO bonds must be approved by two-thirds of the voters voting on the measure.);* and 3) Approve a budget amendment to appropriate \$12,000 from the unrestricted General Fund balance for election costs associated with the measure.

Presenter: Scott Hanin, City Manager.

Speakers: Cordell Hindler, El Cerrito, spoke in support of a new library.

Nicholas Arzio, El Cerrito, stated that he supports a safe modern library but believes the decision is rushed with some details yet to be worked out. Mr. Arzio said he

hopes for a fair presentation of facts for the voters so that they can make an informed decision. Mr. Arzio also expressed concerns about the Godbe survey.

Gary Pokorny, El Cerrito Library Foundation Board Member, said the Library Foundation has been working with the community, Council and city staff, the County Library and county staff to encourage this city and the community to build an adequate library. Mr. Pokorny said the Library Foundation is available to help with the project and urged the City Council to put the measure on the ballot.

Al Miller, El Cerrito, President of the El Cerrito Library Foundation, stated that students who were surveyed strongly support a modern library in El Cerrito and announced that the El Cerrito Library Foundation received a donation of \$100,000 from a private foundation in Berkeley for the new library.

Tom Panas, El Cerrito, provided information to the City Council regarding the bond repayment schedule and urged the City Council to support the Library project as described by City staff this evening.

Actions: Moved, seconded (Abelson/Bridges) and carried unanimously to adopt Resolution No. 2016-62.

Moved, seconded (Friedman/Quinto) and carried unanimously to approve first reading of Ordinance No. 2016-03. *Ordinance adoption scheduled for August 2, 2016.*

Moved, seconded (Bridges/Abelson) and carried unanimously to approve a budget amendment to appropriate \$12,000 from the unrestricted General Fund balance for estimated election costs associated with the measure.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

Action: Held over to the meeting of August 2, 2016.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 1:40 a.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS 1

(Delivered prior to printing of the agenda packet)

Item No. 5(F) Urge the Bay Area Air Quality Management District to Adopt the Community Worker Alternative in Rule 12-16

1. Notification that the Environmental Quality Committee voted to support the Community-Worker proposal – *Submitted by Maria Sanders, Liaison to the Environmental Quality Committee.*

Item No. 6(B) Appeal of the Planning Commission's Approval of Amendments to a Conditional Use Permit for the Summit K2 Charter School Located at 1800 Elm Street

2. Summit K2 Charter School Letter to Planning Commission (cc: City Council) – *Submitted by Franklin Leong and Daisy Leong.*
3. Request for scheduling of appeal – Submitted by Doug Giffin, Education Matters.
4. 1800 Elm Street Conditional Use Permit Addendum – Submitted by Doug Giffin, Education Matters.
5. Ex-Parte Communication Disclosure – *Submitted by Mayor Lyman.*

6. Materials Regarding Summit K2's Conditional Use Permit Amendment – *Submitted by Mayor Lyman and Council.*
7. Elaboration on Appeal of the Planning Commission's actions on June 15, 2016 – *Submitted by Joanna Pace on behalf of appellants.*
8. Survey of traffic on 1800 Elm Street – *Submitted by Joanna Pace on behalf of Franklin Leong, Appellant, El Cerrito.*
9. Summit K2 Public School Traffic Congestion - *Submitted by Joanna Pace on behalf of Franklin Leong, Appellant, El Cerrito.*
10. Summit expansion/traffic concern – *Submitted by Colleen West, El Cerrito.*

Item No. 6(C) PL 14-0171 El Dorado Townhomes Tentative Subdivision Map

11. Comments on proposed subdivision map – Submitted by Howdy Goudey, El Cerrito.
12. Audiss "Fair Treatment for Audiss Residents" Petition Signatures - Submitted by Sharon Maldonado, Berkeley.

Item No. 7 Placement of a General Obligation Bond Measure for a Safe Modern El Cerrito Library

13. Financial Advisory Board recommendations regarding funding for a potential new library – *Submitted by Rich Bartke, Chair.*

SUPPLEMENTAL REPORTS AND COMMUNICATIONS 2

(Received after the July 19, 2016 Agenda Packet was copied and distributed)

Item No. 5(F) Urge the Bay Area Air Quality Management District to Adopt the Community Worker Alternative in Rule 12-16

14. Sierra Club strongly supports the resolution – *Submitted by Luis Amezcua, Co-Chair, Energy-Climate Committee, Sierra Club, San Francisco Bay Chapter.*

Item No. 6(A) Fire Hazard Abatement

15. Revised Exhibit A to Resolutions (Attachments 5 and 6) – *Submitted by Christopher Renshaw, Fire Prevention Officer/ Captain / Paramedic.*

Item No. 6(B) Appeal of the Planning Commission's Approval of Amendments to a Conditional Use Permit for the Summit K2 Charter School Located at 1800 Elm Street

16. Summit School Expansion – *Submitted by David Yen, Christine Le, Logan Yen and Nathan Yen.*
17. Applicant Presentation – *Submitted by Doug Giffin, Chamberlin Associates.*
18. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Elizabeth Thorsnes, El Cerrito.*
19. Powerpoint presentation – *Submitted by Sean Moss, Senior Planner.*
20. Revised exhibit from the Applicants Traffic Consultant showing proposed Signal phasing at the Elm St/ Key Blvd./ Hill St. Intersection – *Submitted by*

Sean Moss, Senior Planner.

21. Draft Resolution certifying the subsequent Environmental Impact Report for the Summit K2 Operation Expansion Project – *Submitted by Sean Moss, Senior Planner.*
22. Response to Issues raised by appellants of the Summit K2 Operation Expansion Project subsequent to initial appeal letter – *Submitted by Sean Moss, Senior Planner.*
23. Errata to the Summit K2 Operational Expansion Subsequent Environmental Impact Report – *Submitted by Sean Moss, Senior Planner.*
24. Deny the appeal and uphold the Planning Commission's unanimous decision to approve the use permit amendments for Summit K2 – *Submitted by Scott Gelfand, K2 parent.*
25. Summit K2 Use Permit – *Submitted by Kerry and Erik Hattevik.*
26. El Cerrito Neighbor in Support of Summit – *Submitted by Adrienne Imada.*
27. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Hannah Kim.*
28. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Claudine Swickard.*
29. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Jane Kim.*
30. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Christy Kim.*
31. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Thorsten Bach.*
32. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Felicia Campbell.*
33. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Troy Tyler.*
34. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Utku-Tamara Aksu.*
35. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Eric Rodriguez.*
36. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Maya and Mark Gmail.*
37. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Cinthia Simon.*
38. Seven other emails in support – *to close to printing deadline to index*

Item No. 6(C) PL 14-0171 El Dorado Townhomes Tentative Subdivision Map

39. Urban Community Partners Presentation – *Submitted by Keith McCoy, Applicant.*
40. Powerpoint presentation – *Submitted by Sean Moss, Senior Planner.*

Item No. 7 Placement of a General Obligation Bond Measure for a Safe Modern El Cerrito Library

41. Library Bond Measure Tracking Survey prepared by Godbe Research *Submitted by Scott Hanin, City Manager.*

SUPPLEMENTAL REPORTS AND COMMUNICATIONS 3

Received during public comment and the public hearing at the July 19, 2016 City Council meeting.

Item No. 6(A) Fire Hazard Abatement

42. Revised Exhibit A to Resolutions (Attachments 5 and 6) – *Submitted by Christopher Renshaw, Fire Prevention Officer/ Captain / Paramedic.*

Item No. 6(B) Appeal of the Planning Commission's Approval of Amendments to a Conditional Use Permit for the Summit K2 Charter School Located at 1800 Elm Street

43. Applicant's response to comments raised in letters dated July 12, 2016 and July 18, 2016 from Appellants and Appellants' Counsel – *Submitted by Linda C. Klein, Cox, Castle & Nicholson, LLP.*
44. Objections to proposed high school at 1800 Elm Street – *Submitted by Franklin Leong, El Cerrito.*
45. Why Summit K2? – *Submitted by George Gager, El Cerrito.*
46. Corrected Survey of Elm Street Traffic Pattern – *Submitted by Franklin Leong, El Cerrito.*
47. 114 Signatures supporting appeal of EC Planning Commission approval of application PL15-0006 and Rejecting Summit K2 School Expansion – *Submitted by Daisy Leong, El Cerrito*
48. Statement of Eugene Go expressing safety concerns – *Submitted by Eugene Go, El Cerrito.*
49. Summit K2 Charter School appeal hearing – *Submitted by Michael Longming Wu, El Cerrito.*
50. Businesses in support of Summit K2's use permit amendments, signature petition and Summit draft Good Neighbor Handbook – *Submitted by El Cerrito Business Neighbors of Summit K2.*
51. Summit K2 Charter School Appeal dated July 19, 2016 – *Submitted by Daisy Leong, El Cerrito.*

Item No. 6(C) PL 14-0171 El Dorado Townhomes Tentative Subdivision Map

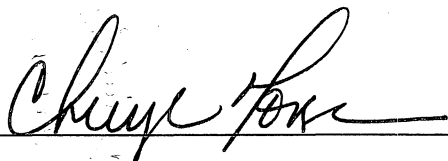
52. Comments and support for identity of Audis RV Park as long term rental unit residences – *Submitted by Howdy Goudey, El Cerrito.*
53. Letter in support of Audis residents and proposed solutions and against proposed development project – *Submitted by Robin Mitchell, El Cerrito.*

Item No. 7 Placement of a General Obligation Bond Measure for a Safe Modern El Cerrito Library

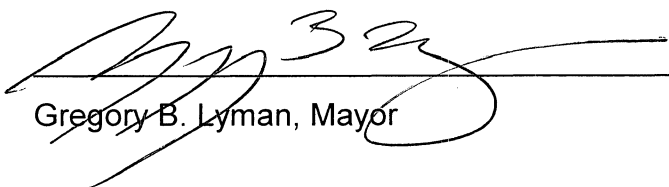
54. Remarks of Amalia Cunningham, El Cerrito.

55. Comments of Mary Selph, El Cerrito.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of July 19, 2016 as approved by the El Cerrito City Council.

A handwritten signature in black ink, appearing to read "Cheryl Morse", written over a horizontal line.

Cheryl Morse, City Clerk

A handwritten signature in black ink, appearing to read "Gregory B. Lyman", written over a horizontal line.

Gregory B. Lyman, Mayor