

EL CERRITO CITY COUNCIL MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, July 16, 2019 – 7:00 p.m.

City Council Chambers

Meeting Location:

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

7:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 7:03 p.m.

Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Councilmember Quinto*

2. COUNCIL/STAFF COMMUNICATIONS

Karen Pinkos, City Manager recognized Contra Costa Leadership Academy graduates Ana Bernardes, Engineering Manager and Maya Williams, Assistant to the City Manager.

Pail Keith, Fire Chief reminded residents that National Night out is on August 6.

Councilmember Quinto reported “A Wider Bridge” trip to Israel and meeting with government officials; co-hosted League of California Cities API Caucus training for state boards and commissions; upcoming Hazardous Materials Commission training with business leaders and IT departments on Emergency Preparedness.

Councilmember Abelson reported attendance at AC Transit accessibility advisory committee and announced they are recruiting for bus drivers; and attended training with League of California Cities on Advanced Leadership.

Councilmember Fadelli reported attendance at the 4th of July festivities, represented the Mayor at the Mayors conference in Pleasant Hill.

Mayor Pardue-Okimoto shared information on membership drive by the Rotary Club, reported attendance at the 4th of July festivities, spoke at Dalai Lama 84th birthday celebration, attended mayors executive forum with League of California Cities.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler spoke about “Once on an Island” show, requested AC transit come talk about projects on San Pablo Ave, spoke about commercial property rental costs.

Buddy Akacic shared the cleaner at the corner of Mosier and San Pablo closed, spoke about strategic goals and facilitation of a community group meeting at Hana gardens tomorrow at 2 pm with speaker Heidi Goldstein, spoke about underutilized properties included the prior senior center, and Life and Christ church.

Michael Fischer spoke about library outreach at the 4th of July festival and the growing need to replace the library, shared details of library lunch program on Tues - Thurs., increase in library events,

Gary Prost spoke on vegetation abatement on private property, the public nuisance and safety threat and urged council to follow through with abatement.

Paul Duncan urged the city to make the hillside area fire safe, spoke about maintenance and management neglected in the area, spoke on city plans that need higher priority in budget and action.

Susan Duncan thanked the Fire Department for their work on reducing vegetation, questioned if a master plan, identification of dying eucalyptus trees, or remove dead trees in Arlington Park have begun, and if not why not.

Robin Mitchell spoke about climate action control best practices, requested an update to the city's climate action plan with the addition of a goal for net zero greenhouse gas emissions by 2050.

Howdy Goudey spoke regarding certification of referendum petition stated that the council is required to reconsider and urged council let the voters vote on the item, not in favor of rescinding.

Anne Ogonowski announced Friends of 5 Creeks are sponsoring a cleanup this weekend in the Hillside natural area, focusing on removing scotch broom.

Sherry Drobner spoke on the certificate of referendum petition and questioned activity of the California Apartment Association, concerned about why they are in our community.

4. ADOPTION OF THE CONSENT CALENDAR

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve consent items B through F as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meetings of May 21, June 4, and June 18, 2019.

Contact: Holly M. Charléty, City Clerk, City Management

Pulled from consent by Councilmember Quinto and Fadelli. Staff clarified the vote on the Just Cause Ordinance, which was different for the first reading and the second reading and confirmed the accuracy of the information in the May 21, 2019 minutes.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve the minutes for May 21 and June 4, 2019 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to approve the minutes for June 18, 2019 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Abstain:** Councilmember Quinto

B. Certificate of Sufficiency for Referendum Petition Regarding Just Cause Ordinance

Action Proposed: Accept the City Clerk's Certificate of Petition, certifying the sufficiency of the referendum petition on Ordinance 2019-04 related to Just Cause for Eviction and Prohibition of Harassment of Tenants.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Accepted Certificate of Petition

C. Ordinance to Amend Chapter 13.28 of the El Cerrito Municipal Code, Trees and Shrubs *Notice published 6/8/2019, 1st Reading 6/18/2019*

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2019-05 Amend Chapter 13.28 of the El Cerrito Municipal Code, Trees and Shrubs.

Contact: Will Provost, Public Works Analyst; Stephen Pr  e, Environmental Programs Manager/City Arborist; Maria Sanders, Operations + Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Adopted Ordinance 2019-05

D. Authorize Strategic Economics to Examine Sales and Use Tax Records for El Cerrito Businesses in Support of the San Pablo Avenue Specific Plan Update

Action Proposed: Adopt a resolution authorizing Strategic Economics to examine sales and use tax records for El Cerrito businesses.

Contact: Melanie Mintz, Community Development Director, Community Development Department

Action: Adopted Resolution 2019-43

E. Parking Modifications at Harding Elementary School

Action Proposed: Approve a resolution authorizing the Public Works Director/City Engineer to remove existing forty (40) feet and eighty-five (85) feet of green curb markings on Ashbury Avenue in front of Harding Elementary School, between Fairmount Avenue and "C" street as shown in Exhibit A.

Contact: Ana Bernardes, Engineering Manager/Senior Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution 2019-44

F. Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078

Action Proposed: Adopt a resolution to reject the sole bid submitted for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078 (Project); and authorizing City staff to amend the scope of the Project, as necessary, and rebid the Project.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Adopted Resolution 2019-45

G. Approval of the Third Amendment to the Agreement for Services between the Kensington Fire Protection District and the City of El Cerrito and Authorize the Execution of a Memorandum of Understanding for Administrative Services

Action Proposed: Adopt a Resolution approving the Third Amendment to the Agreement for Services between the Kensington Fire Protection District and the City of El Cerrito, and authorize the City Manager to execute a Memorandum of Understanding (MOU) with the Kensington Fire Protection District to provide administrative services to the City.

Contact: Michael Pigoni, Fire Chief, Fire Department; Karen Pinkos, City Manager, City Management

Pulled from consent by Councilmember Fadelli. Staff responded to questions regarding duties performed by each agency and the intent of the MOU for staff.

Moved/Seconded: Councilmembers Fadelli/Abelson **Action:** Passed a motion to adopt Resolution 2019-46. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

5. PRESENTATIONS

A. Annual Sundar Shadi Garden Club Awards

Action Proposed: Receive and file acknowledgement of contest winners and presentation of awards.

Contact: Landry Wildwind, Committee Chair, Sundar Shadi Garden Club

Presentation and Discussion: Landry Wildwind, Committee Chair presented the 2019 winners of the Sundar Shadi Garden Club Awards included 1300 Richmond St., 6726 Snowden Ave, 6810 Eureka Ave.

Public Comments:

Cordell Hindler talked about feeling inspired by the pictures of winners.

Action: Receive and File.

B. PG&E Community Wildfire Safety Program

Action Proposed: Receive and file

Contact: Pamela Perdue & Treva Reid, Pacific Gas and Electric Company

Presentation and Discussion: Treva Reid, Government Relations Public Affairs lead introduced the item and Les Putnam, Senior Public Safety Specialist provided a presentation on the community wildfire safety program components, event notifications, restoration procedures and outreach. Presenters responded to questions raised by members of the council including addressing those with medical needs and medical providers, providing generators, collaboration with water providers, identification of critical facilities, coordination with our fire department, drone activity in the city, and cleaning trees under power lines.

Public Comments:

Cathy Bleier spoke about the removal of trees by PG&E and requested PG&E work with the city arborist about not removing all coast live oak trees if they are healthy as they are fire resistant.

Action: Receive and File.

6. PUBLIC HEARINGS

A. Civic Center Utility Underground District *Notice published 7/06/2019, Exempt from CEQA (CEQA Guidelines §15308)*

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution establishing the Civic Center Utility Underground District.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Presentation and Discussion: Yvetteh Ortiz, Public Works Director, provided an overview of the item and responded to questions raised by members of the council regarding private citizen's rights, effect on telecommunication cables, and property frontage.

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

Howdy Goudey spoke on the need for undergrounding and questioned why the city hasn't been doing any work in past years, doesn't feel this area is impacted and should not be a priority.

Alan Hanger spoke in support of the action, and on experience with prior property undergrounding, unhappy with the discussion item because of prior attempt to present the idea of making the city a municipal utility and undergrounding the city.

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Fadelli/Quinto **Action:** Passed a motion to approve Resolution 2019-47. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

B. Public Hearing for Fire Hazard Abatement Notice published 7/06/2019, Exempt from CEQA (CEQA Guidelines §15304, 15308)

Action Proposed: 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or her designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Contact: David R. Gibson, Fire Marshal; Michael Pigoni, Fire Chief, Fire Department

Presentation and Discussion: Dave Gibson, Fire Marshal, overviewed the current status of the program, and Damien Carrion, Fire Prevention Officer, reviewed the steps taken, and coordination with other entities. Responded to questions and comments raised by members regarding vacant lots, outreach, and timeline of the process.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve Resolution 2019-48 declaring certain real property constitutes a public nuisance with revised property list. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

Alan Hanger spoke about issues with PG&E and stated he would not abate his property based on the letter received.

Eric Cuttrell spoke regarding efforts to reach the fire department and lack of response.

Nick Zamorano thanked the fire department and spoke in support of the action proposed, spoke on neighboring jurisdiction programs.

George Fruehan spoke in favor of recent efforts to enforce the abatement process, spoke on the fuel caused by housing and community effort needed to reduce the community risk.

Howdy Goudey commented on process of requesting reinspection and need to manage more efficiently. Spoke about city owned properties needing to be addressed.

Marlene George thanked the fire department for their efforts to support and enforce the program and need to interpret the ordinance in the strictest way possible.

Don Hubbard questioned the requirements being enforced, property owners should be in control of their property, and that the fire department should have no say in property owners actions.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to adopt Resolution 2019-49 overriding objections and authorizing abatement. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

- C. **Call and request services for a November 5, 2019 special election to submit to voters a measure related to renew the Measure A special tax to fund the preservation, maintenance and enhancement of parks and recreation facilities.** *Notice published 7/06/2019, Exempt from CEQA (CEQA Guidelines §15308)*

Action Proposed: Adopt a resolution to call for a special election to be held on Tuesday, November 5, 2019; to request the Contra Costa County Board of Supervisors consent and direct the Registrar of Voters to provide specified services to the City related to the conduct of the election; to submit to the voters of El Cerrito a measure to renew the Measure A special tax to fund parks and recreation facilities maintenance and enhancement, as described in the Parks and Recreation Facilities Master Plan; to direct the city attorney to prepare an impartial analysis of the measure; and to establish deadlines for arguments and rebuttals.

Contact: Karen Pinkos, City Manager, City Management; Chris Jones, Recreation Director, Recreation Department; Holly M. Charléty, City Clerk, City Management

Presentation and Discussion: Chris Jones, Recreation Director, provided history of the swim center, use of special tax measure funds to date, and requested actions. Bryan Godbe, Godbe Research, and Jessica Reynolds, Political Consultant, reviewed the results of the city commissioned survey.

Presenters and staff responded to questions raised by members of council regarding auditing use of funds, benefits of November 2019 versus March 2020 election, election cost factors, limitations and information related to bonding against tax funds, financing strategies,

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to extend the meeting by 30 minutes to 11:00 p.m. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Public Comments:

Al Miller spoke about facilities needing replacement or modernization including library and senior center, the priority of the extension of measure A, and support of the proposed action.

Tyra Wright spoke in favor of keeping facilities maintained, questioned fiscal responsibility and transparency, stated cost saving with having a regular election, ballot question lacks reference to all rates.

Norman La Force was on council when first measure was approved, need to keep pool in good shape and work needed in parks, spoke in support of an extension, and will campaign to get it passed.

Christian Teale spoke on effectiveness of the survey presentation, questioned if funds would be earmarked for parks, and if funds would be susceptible for interfund lending.

David Grassesch stated if asked for a parcel tax would say yes but would like to be asked as a regular election, not a special election, the ballot question survey felt dishonest.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Council Discussion: Staff responded to questions raised by members regarding clarification that adopting the resolution and ordinance finalizes their content, ability to amend after the election and vote, use of revenues from the tax, rational for inclusion of only single-family rate in ballot question, and interfund transfers.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to approve revised Resolution 2019-50. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

7. POLICY MATTERS - None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Abelson reported on initial draft for Contra Costa Transit Authority Proposed 2020 Transportation Expenditure Plan, expected to be on the March 2020 ballot.

Councilmember Quinto invited Council to attend the League of Cities meeting in Danville on July 25th, being voted in as Chair of the East Bay division.

Councilmember Fadelli attending Wildcat Canyon Respond meeting put on by the County tomorrow.

9. **ADJOURN REGULAR CITY COUNCIL MEETING**

The meeting adjourned at 10:53 p.m.



Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council meeting of July 16, 2019 as approved by the El Cerrito City Council.



Holly M. Charléty, MMC, City Clerk