

EL CERRITO CITY COUNCIL MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*

Tuesday, August 20, 2019 – 5:45 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, August 20, 2019 – 7:00 p.m.

City Council Chambers

Meeting Location:

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

5:45 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 5:50 p.m.

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

1. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler spoke regarding the process for filling commission vacancies.

Howdy Goudey spoke on the history of tenant protection conversations and communicated that process has been delayed.

Jeff Levin reminded council that tenants need protection and delay can cause risk and wants to ensure task force fully represents tenants.

Robin Mitchell commented that the public should be able to ask clarifying questions after interviews have started.

2. ARTS AND CULTURE COMMISSION STATUS AND APPOINTMENT

Action Proposed: Discuss and consider for appointment applicants previously interviewed for the Arts and Culture Commission.

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

Moved/Seconded: Councilmember Lyman/Quinto **Action:** Passed a motion to appoint Bill Nichols to the Arts and Culture Commission for a partial term of August 20, 2019 thru March 1, 2021. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

3. TENANT PROTECTIONS TASK FORCE INTERVIEWS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for Tenant Protections Task Force. Interviews may result in an announcement of appointment(s).

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

Moved/Seconded: Councilmember Fadelli/Lyman **Action:** Passed a motion to appoint Buddy Akacic, Isis Bastet, and George Gager as tenant representatives. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmember Fadelli/Lyman **Action:** Passed a motion to appoint Richard Bell as a tenant representative. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman. **Noes:** Councilmember Quinto

Moved/Seconded: Councilmember Lyman/Quinto **Action:** Passed a motion to appoint Norman LaForce, Peter Pan, Elizabeth Thorsnes, and Tyra Wright as landlord representatives. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto. **Noes:** None

4. ADJOURN 5:45 SPECIAL CITY COUNCIL MEETING

The meeting adjourned at 6:58 p.m.

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

Mayor Pardue-Okimoto called the meeting to order at 7:23 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 Lyman*

2. COUNCIL/STAFF COMMUNICATIONS

Councilmember Abelson shared details on the emergency preparation display in lobby; reported attendance at a tour of Berryessa Transit Center; announced Senior Resource Fair on October 2nd; attendance at community workshop on library assessment; and shared interest in the book Uninhabitable Earth Life After Warming by David Wallace Wells.

Councilmember Quinto reported attendance at a meeting on international trade with the League of California Cities API Caucus, National Night Out, Hazardous Materials Commission meeting, Rotarian Meeting,

Councilmember Fadelli thanked staff for National Night Out efforts, and participation in Baxter Creek cleanup.

Councilmember Lyman as representative of Marin Clean Energy (MCE), shared that Time of Use costs for operating electrical items will cost more at different times of the day, with transition to be completed in April 2021. Reminded residents that the 2020 Census 2020 is coming and encouraged participation to assist in County receiving funding based on Census data.

Mayor Pardue-Okimoto reported appointment of Bill Nichols to Arts and Culture commission and eight appointments to the Tenant Protections Task Force made at the 6:00 pm special meeting.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler thanked PG&E for recent presentation, disappointed about businesses leaving El Cerrito.

Ronnie Polonsky spoke to neighbor about losing home and opposed to tenant protection being repealed.

Tracy Rosenberg spoke on behalf of Oakland Privacy, regarding possible surveillance regulation policies in El Cerrito.

Cathy Hanville spoke on the need for a surveillance ordinance in El Cerrito.

Buddy Akacic spoke regarding a permanent senior center site.

Terry Taplin, Berkeley resident, spoke in opposition of repeal of just cause ordinance.

Matthew, Berkeley resident and member of East Bay Democratic Socialists of America (EBDSA), spoke in opposition of repeal of just cause ordinance.

Allie Lahey, Oakland resident and member of EBDSA spoke in opposition of repeal of just cause ordinance.

Anne Oganowski shared details on upcoming Friends of 5 creek events.

Kelsey Waldron Oakland resident and member of EBDSA read a statement from Arlene Joyce, an El Cerrito resident in opposition of repeal of just cause ordinance.

David Hall Berkeley resident spoke in opposition of repeal of just cause ordinance.

Shallyn Wells Albany resident spoke in opposition of repeal of just cause ordinance.

Robin Mitchell spoke in support of climate change declaration and update from climate policies.

Will Shattuc member of EBDSA spoke in opposition of repeal of just cause ordinance.

Tim Kieschnick spoke in support of climate change declaration.

Kathy Dervin spoke in support of climate change declaration.

Mallory Cremin spoke in support of climate change declaration, as a member of Citizen's Climate Lobby advocated for a Carbon tax or other methods to reduce carbon use.

Bob MacDonald spoke in support of climate change declaration.

David McCoard spoke in support of climate change declaration.

Evan Starr spoke in support of climate change declaration and more action.

Miguel Espino spoke against greed and the California Apartment Association and support of tenant protections.

Howdy Goudey spoke in support of climate change declaration and opposition of repeal of just cause ordinance.

Denice Dennis spoke in support of climate change declaration.

Jovanka Beckles Richmond resident spoke in opposition of repeal of just cause ordinance.

Peter Pan spoke in support of repeal of just cause ordinance and support to the climate change declaration but not if it means committing city resources to social engineering.

Mary Marsella Richmond resident spoke in opposition of repeal of just cause ordinance.

Steve Barton spoke in opposition of repeal of just cause ordinance.

Sherry Drobner spoke in support of tenant protections and the climate change emergency.

Eleanor Sirafinejad spoke in support of repeal of just cause ordinance and support of landlord rights.

Meina Young spoke in support of repeal of just cause ordinance.

Eva Chou spoke in support of repeal of just cause ordinance.

Christian Roman spoke in support of just cause and deception of the California Apartment Association.

Franklin Leong spoke in support of repeal of just cause ordinance.

4. **ADOPTION OF THE CONSENT CALENDAR**

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to approve consent items A, D, and E 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 meeting of July 16, and July 31, 2019.

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

Action: Approved minutes

B. Declaration of a Climate Emergency

Action Proposed: Adopt a resolution declaring a climate emergency and endorsing emergency mobilization efforts to reverse global warming.

Contact: Will Provost, Acting Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Pulled from consent by Mayor Pardue-Okimoto. Staff responded to questions and comments regarding expediting actions in the climate action plan, importance of focusing on the topic, and future agenda item to discuss a potential subcommittee.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to adopt revised Resolution 2019-52, which included to support “and participate in” climate emergency mobilization and commitment to “further” reduce GHG emissions through “active” implementation. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

C. Ordinance to Repeal Ordinance 2019-04

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2019-07 Repealing Ordinance 2019-04 Which Adopted El Cerrito Municipal Code Chapter 10.300 – Just Cause for Eviction and Prohibition on Harassment of Tenants.

Contact: Holly M. Charléty, City Clerk, City Management
Pulled from consent by Mayor Pardue-Okimoto.

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Adopted Ordinance 2019-07. **Ayes:** Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** Mayor Pardue-Okimoto

D. Cash and Investments Report for the Quarter ending June 30, 2019

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending June 30, 2019

Contact: Mark R. Rasiah, Finance Director/Treasurer, Finance Department

Action: Received and filed

E. Amendment to Extend Exclusive Negotiating Right Agreement for 6111 Potrero Avenue and 11335-41 San Pablo Avenue *Exempt from CEQA*

Action Proposed: Adopt a resolution authorizing an amendment to extend the Exclusive Negotiating Rights Agreement with Potrero Street Partners for the disposition of 6111 Potrero Avenue and 11335-41 San Pablo Avenue (APNs 513-372-018 and -015).

Contact: Melanie Mintz, Community Development Director; Aissia Ashoori, Housing/Economic Development Analyst, Community Development Department

Action: Approved Resolution 2019-53

5. PRESENTATIONS

A. Contra Costa Transportation Authority (CCTA) Briefing on the Initial Draft of the Transportation Expenditure Plan

Action Proposed: Receive and File

Contact: Timothy Haile, Deputy Executive Director, CCTA

Presentation and Discussion: Timothy Haile, Deputy Executive Director, provided a presentation on the draft 2020 Transportation Expenditure Plan and responded to questions and comments raised by members of the council including neighborhood dial a ride services, safety of bicycles on San Pablo Ave., polling data, quality of life issues on BART, funding areas, on demand shuttle services, transit oriented development, getting riders to the transit system, and expenditures by mode particularly BART.

Public Comments:

Cordell Hindler shared experiences as a transit user.

Action: Received and filed

6. PUBLIC HEARINGS

A. Public Hearing for Fire Hazard Abatement Notice published 8/10/2019, 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 his 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, provided an overview of the item and reviewed steps taken up to this point in the process. Responded to questions and comments raised by members of the council including revisions to notification letter for next year, additional pre-notification letter, and updating standards to be more readable.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve Resolution 2019-54 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:

Anna Ippolito spoke in support of the work of the Fire Department.

Paul Duncan spoke in support of the work of the Fire Department.

Susan Duncan spoke in support of the work of the Fire Department.

Kay Starkweather spoke in support of the work of the Fire Department.

Dennis Cody commented on the strong tone of the letters received and did not like to process used to identify his property.

Margaret Kavanaugh-Lynch thanked the council for fire management program and shared well wishes for Captain Gagne's recovery.

Howdy Goudy spoke in support of the work of the fire department and need for more resources to make El Cerrito safer.

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

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to adopt Resolution 2019-55 overriding objections and authorizing abatement. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

7. **POLICY MATTERS - None**

8. **CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS**

Councilmember Lyman reported attendance at Financial Advisory Board meeting.

Councilmember Quinto reported attendance at the Urban Forest Committee meeting

9. **ADJOURN REGULAR CITY COUNCIL MEETING IN MEMORY OF MOLLIE HAZEN, LONGTIME CITY VOLUNTEER AND COMMISSION MEMBER**

The meeting adjourned at 10:02 p.m. in memory of Mollie Hazen.



Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meetings of August 20, 2019 as approved by the El Cerrito City Council.



Holly M. Charléty, MMC, City Clerk