

EL CERRITO CITY COUNCIL MINUTES

SPECIAL CITY COUNCIL MEETING (not televised)

NOVEMBER 19, 2019 – 6:00 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

NOVEMBER 19, 2019 – 7:00 p.m.

City Council Chambers

Meeting Location:

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Members:

Mayor Rochelle Pardue-Okimoto

Mayor Pro Tem Greg Lyman

Councilmember Paul Fadelli

Councilmember Janet Abelson

Councilmember Gabriel Quinto

6:00 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 06:05 PM.

Present: Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Absent:** None

1. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler - spoke on need for more youth engagement on boards and labor negotiations hearing both sides and coming to a conclusion.

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Discuss and consider for appointment applicants previously interviewed for the Human Relations Commission.

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

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Abelson

Action: Approved the following appointments: 1) Buddy Akacić to Human Relations Commission for a partial term of 11/19/2019-3/1/2021; and 2) Walter Williams III to Human Relations Commission for a partial term of 11/19/2019-3/1/2022. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, **Noes:** Councilmember Quinto

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Abelson

Action: Approved motion for reconsideration. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Abelson

Action: Approved the appointment of Buddy Akacić to the Human Relations Commission for a partial term of 11/19/2019-3/1/2021, with the direction to recuse himself from voting on any tenant protection issues brought to the Commission due to his appointment on the Tenant Protections Taskforce. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, **Noes:** Councilmember Quinto

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Quinto

Action: Approved the appointment of Walter Williams III to a partial term of 11/19/2019-3/1/2022. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

3. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4): One Potential Case

No reportable action.

4. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Glenn Berkheimer, Labor Negotiator; Sky Woodruff, City Attorney; Alexandra Orologas, Assistant City Manager; and Kristen Cunningham, Human Resources Manager.

Employee Organizations: El Cerrito Police Employees Association and Public Safety Management Association - Battalion Chief Unit

Contact: Sky Woodruff, City Attorney, City Management

No reportable action.

5. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 07:03 PM

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 07:11 PM.

Present: Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Absent:** None

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE - COUNCILMEMBER FADELLI

2. COUNCIL/STAFF COMMUNICATIONS

City Manager Pinkos - spoke regarding the launch of state auditor website on cities financial health and the work the city has been and will be doing in response.

Mayor Pardue-Okimoto - expressed appreciation for the feedback from the public regarding the auditor's website and encouraged the public to contact her directly; reported the appointment of Buddy Akacić and Walter Williams III to the Human Relations Commission.

Councilmember Quinto - reported attendance at a meeting with state lobbyist to discuss SB54 and AB1080 related to recycling.

Councilmember Abelson - reported attendance at Self Help Counties conference as the Contra Costa Transportation Authority representative.

Councilmember Fadelli - thanked voters for the passage of Measure H; reported attendance at a meeting with state lobbyist to discuss SB54 and AB1080 related to recycling, 85th anniversary celebration for the East Bay Regional Parks District, emergency room conference in Richmond, Environmental Quality Committee meeting, 67th birthday celebration for St. Peters Church; announced annual pancake breakfast on the 1st Saturday of December at the community center.

Mayor Pro Tem Lyman- announced current and upcoming vacancies for boards, commissions, and committees with a deadline to apply of December 18, 2019; reported attendance at ribbon cutting for Bright Now Dental, St. Peters Church celebration, and Financial Advisory Board meeting.

Mayor Pardue-Okimoto - reported discussions on addressing reserves for the city; reported hosting Save Alta Bates community forum in El Cerrito; announced city holiday lighting event at the Plaza on Thursday in front of Elevation 66.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler - invitation to Its a Wonderful Life event, spoke regarding the price of commercial rent in the city.

Dodi Marosi - spoke in hopes to see replacement and cost neutral parking at El Cerrito Plaza, and alternate modes of transportation.

Nick Zamorano - thanked the city and council for working with Make El Cerrito Fire Safe, and reviewed city actions taken in 2019.

Marlene George - commented on fire prevention work still needed, cited other jurisdictions and their actions related to wildfire prevention, and intention to advocate prevention priorities.

Gary Prost - spoke regarding lack of cell phone communications during power outages and requested providers be required to have additional towers available and backup for power outages.

Buddy Akacić - thanked the council for appointment to Human Relations Commission, spoke regarding empty newspaper stands, suggested murals on the boxes, and desire to bring comedy and soul music to the city.

Elizabeth Bashor - spoke regarding a new library and fiscal challenges, shared concern about potential site at El Cerrito Plaza Bart.

Susan Duncan - spoke about recent removal of eucalyptus trees, requested city properties be brought up to vegetation standards.

Joshua Arijar - with Contra Costa Central Labor Council spoke in support of the proclamation supporting protections against deportation.

Claudia Lainez - recipient of Temporary Protected Status (TPS) spoke in support of the proclamation supporting protections against deportation

Sherry Drobner - spoke in support of the proclamation supporting protections against deportation; thanked the Mayor for the Save Alta Bates forum.

Blanca Galeas - recipient of TPS spoke in support of the proclamation supporting protections against deportation.

Carlos Porras - member of the San Francisco Labor Council and director of We Rise San Francisco Labor Center for Immigrant Justice spoke in support of the proclamation supporting protections against deportation.

Rosa Carranza - recipient of TPS spoke in support of the proclamation supporting protections against deportation.

Gabriel Castillo - spoke in support of the proclamation supporting protections against deportation.

Manuel DiPaz - with East Bay Sanctuary Covenant spoke in support of the proclamation supporting protections against deportation.

Blanca Rodriguez - recipient of TPS spoke in support of the proclamation supporting protections against deportation.

Pablo Rodriguez - former TPS recipient, spoke in support of the proclamation supporting protections against deportation.

Crista Ramos - part of TPS Committee for Permanent Residency Bay area and daughter of a TPS recipient spoke in support of the proclamation supporting protections against deportation.

Christina Morales - recipient of TPS spoke in support of the proclamation supporting protections against deportation.

4. ADOPTION OF THE CONSENT CALENDAR

Moved/Seconded: Councilmember Abelson/Councilmember Quinto

Action: Approved the consent calendar as indicated below. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes from the meeting of October 1 and October 15, 2019.

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

Action: Approved minutes

B. Proclamation in Support of Protections from Deportation

Action Proposed: At the request of Mayor Pardue-Okimoto, pass a motion to approve a proclamation in Support of Protections from Deportation and a Path to Permanent Residency for Beneficiaries of DACA, TPS and DED

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

Action: Approved proclamation and authorized the Mayor to send correspondence in support of the item.

C. Proclamation upon Retirement of Whitney Dotson

Action Proposed: Pass a motion to approve a proclamation in recognition upon the retirement of Whitney Dotson of the East Bay Regional Park District

Contact: Karen Pinkos, City Manager, City Management

Action: Approved proclamation

D. Proclamation designating "United Against Hate Week"

Action Proposed: Pass a motion to approve a proclamation designating November 17 - 23, 2019 as "United Against Hate Week". **Contact:** Kristen Cunningham, Human Resources Manager, City Management

Action: Approved proclamation

E. Appointment of Members to the Economic Development Committee

Action Proposed: Approve an Economic Development Committee recommendation to appoint Minh-Hoa Ta and Jonathan Zazove to the Economic Development Committee, effective November 19, 2019.

Contact: Jennifer Peat, Management Assistant/EDC Staff Liaison Melanie Mintz, Community Development Director, Community Development Department

Action: Approved appointments

5. PRESENTATIONS

6. PUBLIC HEARINGS

A. Adoption of Building and Fire Code Updates

Notice Published 11/09/2019

Action Proposed: Conduct a public hearing, and upon conclusion 1) Adopt a Resolution which makes findings justifying changes or modifications due to local climatic, geologic and topographic conditions in the 2019 California Building Standards Code, which includes the California Green Building Standards Code, Building Code, Fire Code, Residential Code, Existing Building Code, and related Construction Codes; and 2) Introduce by title, waive the first reading of an Ordinance and set the second hearing for December 3, 2019 which adopts the 2019 California Green Code,

Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code, 2018 International Property Maintenance Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the Ordinance.

Contact: Mark Soltes, Community Development David Gibson, Fire Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding process for future changes, determination for amendments, fire chief as a peace officer, noticing, cost of changes, Christmas tree lots, timing for changes on permit applications, and electrification.

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

Public Comments:

Barbara Chan - shared importance of integrating a climate emergency declaration in updates.

Howdy Goudey - spoke about strong building codes in the state and need for stronger requirements in regard to climate emergency.

Moved/Seconded: Councilmember Quinto/Councilmember Abelson

Action: Approved the close of the public hearing. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Abelson

Action: Approved Resolution 2019-65. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Quinto

Action: Introduced by title and waived the first reading of Ordinance 2019-09. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

7. POLICY MATTERS

A. El Cerrito Plaza BART Transit Oriented Development (TOD)

Action Proposed: 1) Receive a presentation regarding BART's Transit Oriented Development process for El Cerrito Plaza BART, provide feedback on the draft TOD goals and objectives; and 2) Adopt a resolution authorizing evaluation of a potential library to be included for study in the Request for Qualifications, and support BART's inclusion of Sustainable Access Studies and Strategies in the Request for Qualifications.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding zoning of lot A which is not in the specific plan, alternate transit options not being disrupted, increased costs for development on BART land, addressing increase in ridership, clarification of AB 2923 and SB 35, parking plans, demand response service options, library funding, impact on economics, communication with the Regency and the Plaza, and impacts of cost and management strategy for use of street parking.

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Quinto

Action: Extended the meeting until 11:00 PM **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

Public Comments:

Mary-Louise Hansen - shared concerns about removal of parking making the station inaccessible for residents and need for equitable access.

Gary Pokorny - spoke in support of consideration for a library as part of the project.

Al Miller - thanked the council for early engagement with BART and how it will help get others involved in the conversation about a new library.

Jeffrey Levin - spoke in support of transit-oriented development and desire to see maximization of affordable housing.

Gail Feldman - expressed concern about access to parking, limited bus access directly to the station from Kensington, late return to vehicles, and encouraged parking on BART property not city streets.

Steve Price - spoke regarding the Ohlone Greenway, bike lockers at the station, and the increase in the use for accessing the station.

Moved/Seconded: Councilmember Quinto/Mayor Pro Tem Lyman

Action: Extended the meeting until 11:30 PM **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Quinto

Action: Approved Resolution 2019-66 with the following changes: Change "Authorizing" to "Requesting" in the title; insert "2014" to the second whereas clause, before San Pablo Avenue Specific Plan; remove the first "on" in the ninth whereas clause; revise the thirteenth whereas clause to read "WHEREAS, the RFQ will require that the developer fund development of Sustainable Access Studies and Strategies that maintain station access for at least the number of customers affected by the reduced number of commuter parking spaces, which shall include special consideration for customers that live further than one-half mile from the station."; and change "authorizes" to "requests" in the first resolved clause. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Fadelli, Councilmember Quinto **Noes:** Councilmember Abelson

B. Proposal for Police Services in the Community of Kensington

Action Proposed: Adopt a resolution authorizing the City Manager or designee to present a proposal in response to a Request for Proposals from the Kensington Police Protection and Community Services District to provide police services in the Community of Kensington.

Contact: Paul Keith, Chief of Police, Police Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding reasons Kensington is looking for contract services, existing ordinance that requires a public vote on any contract, number of proposed positions versus number requested in the Request for Proposals (RFP), effect on city financials, public safety building maintenance and responsibility, salaries and union agreements, effects on personnel if contract approved and subsequently cancelled, and length of contract.

Moved/Seconded: Councilmember Abelson/Councilmember Quinto

Action: Extended the meeting until 12:00 AM **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

Public Comments:

Dakota McKenzie - stated eight times Kensington residents have made a move for local governance and independence, spoke regarding running for office and limited conversations with residents in favor of contracting out.

Anthony Knight - spoke regarding perception that the Kensington Board has harassed and undermined the police department, and in support of not contracting out.

Paul Dorrah - spoke regarding controversy in the community on the topic of contracting out and that contracting out does not save Kensington money.

Lynn Walter - spoke on special taxes approved for the purpose of supporting an independent police department.

Kevin Pedian - spoke against approval of a full-service contract and support of the hybrid model option and commented on the condition of the public safety building.

Linda Lipscomb - cited government code language regarding providing police services, and authorization specifically cited for the Kensington district to have authority to provide services.

Moved/Seconded: Mayor Pro Tem Lyman/Councilmember Quinto

Action: Authorized the Police Chief to write a letter in response to the RFP stating the general information provided at the meeting, and that Kensington would need to resolve their ordinance requiring a public vote on a contract, prior to the city submitting a full response. **Ayes:** Mayor Pardue-Okimoto, Mayor Pro Tem Lyman, Councilmember Abelson, Councilmember Fadelli, Councilmember Quinto **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor Pro Tem Lyman - reported that RecycleMore will be setting new rates and has hired Peter Holtzclaw as the new executive director.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 11:58 PM



Gregory B. Lyman, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting(s) of November 19, 2019 as approved by the El Cerrito City Council.



Holly M. Charléty, MMC, City Clerk