

EL CERRITO CITY COUNCIL MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*
DECEMBER 17, 2019 - 6:15 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
DECEMBER 17, 2019 – 7:00 p.m.
City Council Chambers

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

Members:
Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli · Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto · Councilmember Gabriel Quinto

6:15 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor called the meeting to order at 6:19 PM

Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember Quinto

Absent: None

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

Cordell Hindler - spoke on the need to fill vacancies such as Crime Prevention Committee and work towards reducing vacancies.

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Staff requests that City Council conduct interviews and, at the conclusion of interviews, confer with staff regarding the ongoing recruitments, any remaining vacancies, and the scheduling of further special meetings to conduct interviews (if applicable). Council may decide to make appointments at the conclusion of the meeting.

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

Conducted two interviews for Design Review Board, no appointments made.

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 6: 59 PM.

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

Mayor Lyman called the meeting to order at 7:07 PM.

Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember Quinto

Absent: None

Mayor Lyman reported that no appointments were made at the special meeting.

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

Councilmember Abelson

2. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

Councilmember Quinto - announced re-elected to Bay Area Sierra Club Board; reported attendance at Hazardous Materials Commission meeting,

Mayor Pro Tem Fadelli - reported attendance at the community center holiday breakfast, State Senate and Staff Alumni Association meeting in Sacramento.

City Manager Pinkos - reminder for City Hall Closures for the holidays.

City Clerk Charléty - announced improvements in public access to meeting materials and videos, with better video quality, and all materials in one location.

Mayor Lyman - announced Martin Luther King event January 20th; reported on meeting and responses to questions asked by the State Auditor.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

Cordell Hindler - announced Salesian High School pasta dinner on February 7, commented on rents for commercial space in the city.

Robin Mitchell - spoke regarding amending term limits for City Committees that are not full or need expertise. Requested reinstating termed out members in the future while thinking about a new policy, and long term look at amending the term limits.

Al Miller - announced several vacancies on organization committee for the Sundar Shadi Holiday Display, which is open from December 14th to the 26th.

4. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the city council or staff request separate consideration.

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes from the meeting of November 19 and December 3, 2019.

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

Moved/Seconded: Councilmember Pardue-Okimoto/Mayor Pro Tem Fadelli

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

B. Annual Review of Investment Policy

Action Proposed: Adopt a resolution approving the City's Investment Policy.

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

Moved/Seconded: Councilmember Quinto/Councilmember Abelson

Action: Approved Resolution 2019-69. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None

C. Transportation Impact Fee Annual Report for Fiscal Year 2018- 19
Report publicly posted 12/2/2019

Action Proposed: Receive and file the Transportation Impact Fee Annual Report for Fiscal Year 2018-19, ending June 30, 2019.

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

Moved/Seconded: Councilmember Quinto/Councilmember Abelson **Action:** Pulled from consent by Mayor Lyman. Received and filed with supplemental list of properties that paid the impact fee. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None

D. 2019 Storm Drain Improvement Project, City Project No. C5036.7, Construction Contract Award Exempt from CEQA (Section 15301)

Action Proposed: Adopt a resolution approving plans and specifications for the 2019 Storm Drain Improvement Project, City Project No. C5036.7 (Project); rejecting the bid submitted by Tri-Valley Excavating Co., Inc as non-responsive and accepting the other eight bids submitted for the Project; authorizing the City Manager to execute a contract in the amount of \$299,331.00 with Ghilotti Bros., Inc. and to approve change orders in an amount not to exceed \$30,000 for the construction of the Project; and amending the Fiscal Year (FY) 2019-20 Adopted Budget and Capital Improvement Program to appropriate an additional \$211,331 in the Storm

Drain Fund for the Project.

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

Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember

Abelson **Action:** Pulled from consent by Councilmember Pardue-Okimoto.

Staff responded to comments and questions related to the urgency of the project, liability to the city, and where funding would come from, clarification of alternate bid not moving forward and source of funding for alternate.

Approved Resolution 2019-70. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember

Quinto **Noes:** None

5. PRESENTATIONS

6. PUBLIC HEARINGS

- A. **Proposed East Bay Sanitary Garbage & Green Waste Collection and Post-Collection Rates and Integrated Waste Management Fees**
-- **Effective January 1, 2020** *Public Hearing Noticed 12/7/2019 and 12/13/2019*

Action Proposed: 1. Conduct a public hearing and upon conclusion adopt a resolution establishing maximum allowable East Bay Sanitary (EBS) garbage and green waste collection, processing and disposal rates, effective January 1, 2020; and 2. conduct a public hearing and upon conclusion adopt a resolution fixing and setting Integrated Waste Management (IWM) Fees, effective January 1, 2020.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding percent of increase, potential ways for cost savings at the recycling center; hazardous waste cost tracking; burden of accepting Styrofoam, pharmaceuticals, food-ware and single-use plastics; clarification on SB 1383 requirements and timelines; and clarification that this is an enterprise fund, not the general fund.

Public Hearing: Mayor Lyman opened the public hearing for East Bay Sanitary Rates.

No public comments.

Moved/Seconded: Councilmember Quinto/Councilmember Pardue- Okimoto

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

Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember

Abelson **Action:** Approved East Bay Sanitary Rates Resolution 2019-71.

Ayes: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None
Public Hearing: Mayor Lyman opened the public hearing for Integrated Waste Management Fees.

Public Comments:

Howdy Goudey - spoke in support of rate increase, mentioned at the recent increase, the public spoke in support of increasing rates to fund programs that will address a proactive vision to address climate action.

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

Council Discussion: Presenters and staff responded to additional comments and questions raised by members of the council regarding relationship of the loan from enterprise to the general fund, grant funding, and focus on reuse of recyclables.

Moved/Seconded: Mayor Pro Tem Fadelli/Councilmember Quinto **Action:** Approved Integrated Waste Management Fees Resolution 2019-72. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None

B. Urgency Ordinance to Amend Accessory Dwelling Unit Regulations
Interim Urgency Ordinance - 4/5 Vote Required, Public Hearing Noticed 12/7/2019

Action Proposed: Conduct a public hearing and upon conclusion adopt an interim ordinance repealing and replacing Section 19.20.190 (Accessory Dwelling Units), adding Section 19.20.195 (Junior Accessory Dwelling Units), and approving amendments to Section 19.46.030 (Residential Use Classifications), Chapter 19.47 (Terms and Definitions), and Section 19.24.040 (Required Off-Street Parking Spaces) of the El Cerrito Municipal Code as an urgency measure. A four-fifths vote of the City Council is necessary to adopt an interim urgency ordinance.

Contact: Jeff Ballantine, Senior Planner; Sean Moss, Planning Manager, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding creek setback provisions, parking requirements, abilities for charter cities to take different actions, potential increase to requests for new units, and streamlined approval process.

Public Hearing: Mayor Lyman opened the public hearing.

Public Comments:

Robin Mitchell - spoke in support of the Clerestory requirement.

Al Miller - spoke on easements behind properties, some 10 feet wide, and that

no structures can be built, could complicate the replacement of sewer lines.
Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember Quinto **Action:** Approved the close of the public hearing. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None

Moved/Seconded: Councilmember Abelson/Councilmember Pardue-Okimoto **Action:** Approved Ordinance 2019-10. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None

7. **POLICY MATTERS**

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

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

Mayor Lyman - reported attendance at Financial Advisory Board meeting, and Crime Prevention Committee meeting.

A. **2020 City Council Local Liaison Assignments** *The Mayor will announce the 2020 City Council Liaison Assignments to City Boards, Commissions, and Committees and to Regional Bodies.* Mayor Lyman announced City Council Local Liaison Assignments for 2020.

9. **CLOSED SESSION - PUBLIC EMPLOYEE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

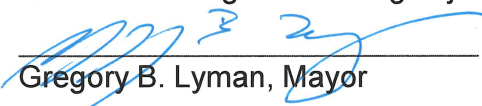
Contact: Sky Woodruff, City Attorney, City Management

Adjourned to closed session at 9:13 PM in memory of Judith Tannenbaum and observed a moment of silence.

No reportable action.

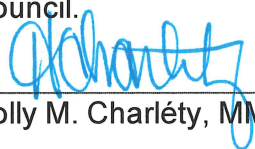
10. **ADJOURN REGULAR CITY COUNCIL MEETING IN MEMORY OF JUDITH TANNENBAUM**

The next regularly scheduled City Council meeting is Tuesday, January 21, 2020 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito. The regular meeting adjourned at 10:56 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 December 17, 2019 as approved by the El Cerrito City Council.



Holly M. Charléty, MMC, City Clerk