EL CERRITO CITY COUNCIL MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*
Tuesday, June 18, 2019 – 6:15 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, June 18, 2019 – 7:00 p.m.
City Council Chambers

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

6:15 PM **ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING**
Mayor Pardue-Okimoto called the meeting to order at 6:17 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Absent:** Councilmember Quinto

1. ORAL COMMUNICATIONS FROM THE PUBLIC
Cordell Hindler commented on the need for more people on boards and commissions and reducing vacancies.

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for City Boards and Commissions. Interviews may result in an announcement of appointment at the regular meeting.
Contact: Holly M. Charléty, City Clerk, City Management
Action: Two interviews were conducted. The City Council unanimously decided to appoint Blake Washington to the Arts and Culture Commission for a partial term through March 1, 2021 and Avis Codron to the Park and Recreation Commission for a full term through March 1, 2023.

4. ADJOURN SPECIAL CITY COUNCIL MEETING
The meeting adjourned at 7:10 p.m.

7:00 PM **ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING**
Mayor Pardue-Okimoto called the meeting to order at 7:18 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Absent:** Councilmember Quinto

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

2. COUNCIL/STAFF COMMUNICATIONS

Holly Charléty, City Clerk, reported on a referendum petition received and the suspension of the actions of Ordinance 2019-04 related to Just Cause, and announced the application deadline for Tenant Protections Task Force.

Mayor Pardue-Okimoto reported appointment of Blake Washington to the Arts and Culture Commission and Avis Codron to the Park and Recreation Commission at the 6:15 p.m. special meeting.

Councilmember Fadelli reported attendance at the League of California Cities policy committee meeting, Congressmen Desaulnier town hall, and Chamber of Commerce luncheon.

Councilmember Lyman recognized those serving on city advisory bodies and attendance at recognition dinner held for members; announced current advisory body vacancies, including the Contra Costa Mosquito and Vector Control District appointment.

Councilmember Abelson reported attendance at Association of Bay Area Governments general assembly meeting, League of California Cities policy committee meeting, and Congressmen Desaulnier town hall.

Mayor Pardue-Okimoto reported attendance at Off the Grid event for Loving Day, recognition dinner for commissioners, and announced the upcoming July 4th celebration.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler requested future agenda items regarding a travel policy, and an update on the Alta Bates status.

Buddy Akacic commented on a potential site for a permanent senior center located at the church next door to the public safety building.

Howdy Goudey spoke on recycling contract consent item, plastics, spills in the ocean, and complacency with a contract that still allows items to go in the recycling bin.

Robin Mitchell requested that 4B be pulled for discussion before approval, expressed concerned about the recommended contractor's low bid. Urged disallowing plastic of any kind in foodware ordinance revisions and to look at the City of Berkeley's ordinance, and concern with committees using action minutes.

Sherry Drobner commented on the referendum circulated and deceptive and misleading tactics.

Michael Fischer urged council to support ACA 1, reducing requirements for passage of local bonding measures, including libraries.

Susan Duncan thanked fire and police for meeting with Make El Cerrito Fire Safe, and information included in News and Views; spoke on need for a master plan for the hillside natural area.

Al Miller shared participation in a fundraiser called Bike the Bridges and shared inform food in the library program continues in the summer at local libraries including El Cerrito every Tuesday, Wednesday, and Thursday.

4. ADOPTION OF THE CONSENT CALENDAR

Moved/Seconded: Councilmembers Abelson/Fadelli **Action:** Passed a motion to approve the consent calendar as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meeting of May 7, 2019.
Contact: Holly M. Charléty, City Clerk, City Management
Action: Approved minutes

B. Processing Contract for Recyclable Materials

Action Proposed: Adopt a resolution authorizing the City Manager to execute a contract with Napa Recycling and Waste Services, LLC in an amount not to exceed $108,000 annually and a contingency amount not to exceed $43,000 annually for comingled recyclable material processing services.
Contact: Maria Sanders, Operations & Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Action: Approved Resolution 2019-39

C. Amendments to City Classification Plan

Action Proposed: Adopt a resolution amending the City's Classification Plan to 1) Establish the classification of Neighborhood Preservation Officer and establish the salary range as recommended; 2) Authorize the addition of one (1) Neighborhood Preservation Officer position in the Community Development Department, and 3) Authorize the deletion of one (1) Building Inspector I position in the Community Development Department
Contact: Kristen Cunningham, Human Resources Manager, City Management
Action: Approved Resolution 2019-40

5. PRESENTATIONS

A. Contra Costa County Mosquito & Vector Control District (CCCMVCD) Presentation on the Role of the Trustee Appointment Made by the City of El Cerrito (Currently Vacant)

Action Proposed: Receive and file
Contact: Nola Woods, Public Affairs Director, CCCMVCD
Presentation and Discussion: Nola Woods, Public Affairs Director, provided a presentation on the current vacancy, purpose of the District, and role of the Trustees; and answered questions raised by members of the council regarding bees and how rats and mice are mitigated, and stipend for trustees.

Action: Receive and File.

B. West Contra Costa Unified School District (WCCUSD) Update on Transition to Trustee Area Elections

Action Proposed: Receive and file
Contact: Marcus Walton, Communications Director, WCCUSD
Presentation and Discussion: Marcus Walton, Communications Director, provided a presentation on the history, status, and transition to Trustee area elections.

Public Comments:
Cordell Hindler thanked the presenter for his presentation.

Action: Receive and File.

C. Contra Costa County Library Commission (CCCLC) Update

Action Proposed: Receive and file
Contact: Michael Fisher, Commissioner, CCCLC
Presentation and Discussion: Michael Fisher, Commissioner, provided an update on commission activities, and libraries as second responders.

Action: Receive and File.

6. PUBLIC HEARINGS

A. Ordinance to Amend Chapter 13.28 of the El Cerrito Municipal Code, Trees and Shrubs *Notice published on 6/8/2019, Exempt from CEQA (CEQA Guidelines §15308)*

Action Proposed: Conduct a public hearing and upon conclusion introduce by title and waive any further reading of an Ordinance amending Chapter 13.28 – Trees and Shrubs of the El Cerrito Municipal Code.
Contact: Will Provost, Public Works Analyst; Stephen Prée, Environmental Programs Manager/City Arborist; Maria Sanders, Operations + Environmental Services Division Manager; Yvetteh Ortiz,

Public Works Director/City Engineer, Public Works Department
Presentation and Discussion: Will Provost, Public Works Analyst, provided a presentation on the background, existing ordinance, and key changes and amendments proposed. Staff responded to comments and questions raised by members of the council regarding location of trees covered, prohibited trees and managing those planted before prohibition, responsibilities of the city versus property owners based on location of volunteer trees, clarification of process to collect costs if homeowners are not complying with requirements, clarification of removal of plants in planting strips, development of a prohibited list, applicability to trees in the hillside area, addressing dead trees, diseases affecting eucalyptus trees.

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

There were no public comments.

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

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to introduce by title and waive any further reading of the Ordinance with the following additions: 1) Revise the first sentence of section 13.28.080 to read "Cutting, pruning, planting, or removing any public tree, shrub, or plant in any public place, including but not limited to a planting strip, shall be done in compliance with this chapter."; 2) In section 13.28.100 adding the word "other" between "any" and "public trees" and adding "and shrubs" before "with good and sufficient guards"; 3) In section 12.28.180 #2 to read "Make determinations of tree and shrub removals in public places." **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto

B. An appeal of the Planning Commission's approval of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan for a project located at 11965 San Pablo Avenue *Notice published on 6/8/2019*

Action Proposed: Conduct a public hearing and upon conclusion, adopt a resolution denying the appeal and upholding the Planning Commission's approval of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan for a project which includes 144 new dwelling units, located at 11965 San Pablo Avenue.
Contact: Sean Moss, Acting Planning Manager; Melanie Mintz, Community Development Director, Community Development Department

Presentation and Discussion: Sean Moss, Acting Planning Manager, provided a presentation overviewing the project, the design review process, the Planning Commission appeal, and responses to the appellant's comments in the city council appeal. Staff responded to comments and question raised by members of the council regarding initial

submission design and inclusion of a sound wall, location of public art, clarification on inclusion of new fees in estimates, effects of the noise level on the greenway, access and location to bike lockers.

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

Howdy Goudy, appellant, provided an overview of appeal points submitted, including shade and impact on the greenway, and not qualifying as a Tier II project. Reviewed what the appeal is not intended to do including opposing height, density, or parking, nor delaying the project. Reviewed the focus of the appeal in needing evaluation of a Tier IV project, design not activating the greenway, shading of public spaces on north side, ground floor transparency, and height of sound wall.

Appellant responded to comments and questions raised by members of the council including additional public benefits that appellant thought could be done, amount of inclusionary housing, clarification that appellant is concerned about interpretation of the specific plan.

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

Mark Rhodes, applicant's representative, provided an overview of the history of the project and the work spent on the sound partition, reviewed project benefits, project design, restrictions from BART noise levels, open space benefits, engaging the greenway, enrichment of the creek greenway.

Applicant's representative responded to comments and questions raised by members of the council including discussions with BART in determining plan for addressing sound, view analysis conducted, size of planned affordable housing units, functionality of greenway access doors, how facade is connected to the building foundation, heights, and windows being used in the plan.

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

Public Comments:
Cordell Hindler commented on appellants presentation and benefit of applicant, and up to the council to decide.

John Pock lead field representative for Carpenters Union Local 152, spoke on working with the development team and support of the project creating jobs, economic growth, and affordable housing.

Robin Mitchell commented on the positive aspects of the project, but the negative impact on the greenway path, and support of moving the project into a Tier IV review.

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

Council Discussion: Members of the council discussed Tier II determination on the base project, clarification in the specific plan on the process, location of the facade, need for housing, and benefit of amenities.

Moved/Seconded: Councilmembers Fadelli/Abelson **Action:** Passed a motion to adopt Resolution 2019-41 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto

7. POLICY MATTERS

A. Management/Confidential Employee Resolution

Action Proposed: Adopt a resolution modifying salaries, benefits, and conditions of employment for Management and Confidential Employees.
Contact: Kristen Cunningham, Human Resources Manager, City Management
Presentation: Kristen Cunningham, Human Resources Manager, announced that the city council is considering approval of a modification of the Management/Confidential resolution which impacts the City Manager, Assistant City Manager, Department Directors, and their salaries; and that the resolution calls for a 3% cost of living salary increase for that group.

Public Comments:
Cordell Hindler spoke in favor of approving the item.

Moved/Seconded: Councilmembers Abelson/Lyman **Action:** Passed a motion to adopt Resolution 2019-42 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto.

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to add an agenda item that requires immediate action and came to the council's attention after the agenda was posted, authorizing the Mayor to write a letter in support of Assembly Constitutional Amendment 1, added as agenda item 7B. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto.

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

Councilmember Lyman reported that RecycleMore has extended its current budget while working on a new budget, and the executive director is retiring; and Marin Clean Energy rate increases are expected to be approved at the next meeting and would go into effective on July 1.

9. **ADJOURN REGULAR CITY COUNCIL MEETING**

The meeting adjourned at 11:28 p.m.

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 June 18, 2019 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk