

EL CERRITO CITY COUNCIL MINUTES

SPECIAL MEETING OF THE CITY COUNCIL (not televised)
JANUARY 21, 2020 – 6:15 p.m.
Hillside Conference Room

CONCURRENT SPECIAL MEETING OF THE
EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND REGULAR
MEETING OF THE CITY COUNCIL
JANUARY 21, 2020 – 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 ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Lyman called the meeting to order at 6:18 PM.
Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember
Pardue-Okimoto, Councilmember Quinto **Absent:** Councilmember
Abelson

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 regarding need for additional commission members, particularly Crime Prevention Committee, and increasing participation and outreach at schools.

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Staff requests that City Council confer with staff regarding the ongoing recruitments, any remaining vacancies, consider pending applicants, 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

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

Action: Approved the re-appointment of George Gager to Arts and Culture Commission for a partial term of March 1, 2020 - March 1, 2021. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson
Moved/Seconded: Mayor Pro Tem Fadelli/Councilmember Quinto **Action:**

Approved the appointment of Thomas Minter to Contra Costa Mosquito and Vector Control District Board of Trustees for a term ending March 1, 2022.

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

3. 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 Orogas, Assistant City Manager; and Kristen Cunningham, Human Resources Manager.

Employee Organizations: El Cerrito Police Employees Association; Public Safety Management Association - Battalion Chief Unit; Public Safety Management Association - Police Management Unit; and Service Employees International Union (SEIU) Local 1021.

Contact: Sky Woodruff, City Attorney, City Management
City Council convened to closed session at 6:22 PM. No reportable action.

4. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 7:18 PM.

7:00 ROLL CALL – CONVENE CONCURRENT SPECIAL MEETING OF THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND REGULAR CITY COUNCIL MEETING

Mayor Lyman called the meeting to order at 7:24 PM.

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

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE - (Councilmember Quinto)

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.

Mayor Pro Tem Fadelli - reported attendance at BART Board meeting, and Mayor's conference; will attend ceremony for Governor's Historic Preservation Award to Contra Costa Florist building; announced new art display at city hall.
Councilmember Pardue-Okimoto - reported attendance at Financial Advisory Board meeting.

Councilmember Quinto - reported attendance at MLK Day event.

Mayor Lyman - reported attendance at MLK Day event; announced Budget Townhall meeting on 2/1/20; and reminder of upcoming March 3rd election.

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 - invitation to pasta dinner on 2/7 at Salesian High School, requested Bart Project update, shared concern regarding lack of reserves and rent for commercial space in the City.

Dave Weinstein - spoke representing the Historical Society and award for the Contra Costa Florist Building, shared new trail guide for 2020 and spoke in favor of proposed trail names for the Hillside Natural Area.

Dianne Brenner - spoke regarding a high level of public support for and importance of undergrounding utilities, particularly on evacuation routes.

Michael Freeman - announced ACLU event on 1/25/20 titled Civil Liberties in California Recent Victories, Unfinished Business.

Gary Prost - Make El Cerrito Fire Safe, spoke regarding financial challenges of the City, and appreciation for efforts to make fire safety a top priority, particularly in the strategic planning process.

Nick Zamorano - spoke regarding proposed increase in PG&E rates.

Consuelo Lara - San Pablo resident and West Contra Costa School District (WCCSSD) board member spoke regarding Measure R coming up on the March Election.

Laurie Schrey - recapped personal pre-evacuation process from last fall, spoke on importance of making the city fire safe and working on getting funding from the state.

Susan Duncan - shared a map of the city showing designation of high fire zone, shared formation of a fire-wise neighborhood covering 89 homes.

Anne Ogonowski - commended the green team that did work at Creekside Park this past weekend.

Buddy Akacic - announced event at Hana Gardens 1/22/20 and commented on the configuration of the room.

Sherry Drobner - announced free workshop for tenants' rights on 2/1 to learn about AB1482.

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.

Moved/Seconded: Mayor Pro Tem Fadelli/Councilmember Quinto **Action:** Approved items A-C on the consent calendar as indicated below. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue- Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

A. Approve the 2020 Regular Meeting Schedule for City Council

Action Proposed: Pass a motion to approve the regular meeting schedule for 2020, which includes reducing to the third Tuesday only for the months of March and November due to elections; and the third Tuesday only for the summer months of July, August and September.

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

Action: Approved schedule

B. CCTA Transportation Expenditure Plan Measure J

Action Proposed: At the request of Mayor Pro Tem Fadelli, Receive and file a brief report of details regarding Measure J on the March 3, 2020 Ballot.

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

Action: Received and filed

C. Hillside Natural Area Trail Naming

Action Proposed: Adopt a resolution confirming historical trail names and adding names to newer trails in the Hillside Natural Area as recommended by the El Cerrito Park and Recreation Commission.

Contact: Christopher Jones, Recreation Director, Recreation Department

Action: Approved Resolution 2020-01

D. Consulting Services Agreement with Zoon Engineering for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078

Action Proposed: Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Zoon Engineering to provide construction management services for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078 in the amount of \$66,000 and approve a contingency amount not to exceed \$7,000.

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

Moved/Seconded: Councilmember Pardue-Okimoto/ Councilmember

Quinto **Action:** Pulled from consent by Mayor Lyman, approved Resolution 2020-02. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

E. Construction Contract Award for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078

Action Proposed: Adopt a resolution approving plans and specifications for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078 (Project); accepting the eight bids submitted for the Project; authorizing the City Manager to execute a contract in the amount of \$452,825 with GradeTech Inc. and to approve change orders in an amount not to exceed \$50,000 for the construction of the Project; and amending the Fiscal Year (FY) 2019-20 Adopted Budget and Capital Improvement Program, including the Annual Program of Maintenance and Improvement pursuant to the Measure A, to appropriate \$353,000 in the Measure A Street Improvement Fund and \$200,000 in the Capital Improvement Fund for the Project.

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

Moved/Seconded: Councilmember Pardue-Okimoto/ Councilmember Quinto **Action:** Pulled from consent by Mayor Lyman, approved Resolution 2020-03. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue- Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

F. REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEM Review and Authorization to Submit the Draft Annual Recognized Obligations Payment Schedule 20-21 (July 1, 2020 - June 30, 2021)

Action Proposed: Adopt a Redevelopment Agency Successor Agency Resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule (ROPS) 20-21.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Moved/Seconded: Councilmember Pardue-Okimoto/ Councilmember Quinto **Action:** Pulled from consent by Mayor Lyman, approved SA Resolution 2020-01 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

5. PRESENTATIONS

A. El Cerrito Police Department Drone (UAS) Policy

Action Proposed: Receive and file a presentation reviewing the Unmanned Aerial Systems (UAS) Operations Policy for the El Cerrito Police Department.

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 process for potential policy changes and communication with the Council, state law requiring the posting of police policies online, clarification of frequency of posting drone uses online, coordination with Fire on red flag warning, potential use for filming city events, council notification of policy changes, clarification that policy governing employee action is under city manager's jurisdiction.

Public Comments:

Mike Katz-Lacabe - spoke on transparent process of the policy implementation, questioned criteria and measurements for success, process for policy changes.

Michael Freeman - requested city adopt policy before purchasing equipment, concerned with limited council oversight of policy, requested adoption of surveillance policy.

Tracey Rosenberg - appreciates policy feedback given was largely taken, feels council should have approved purchase of a drone and should be approving the policy, questioned length of time to keep footage.

Anne Ogonowski - spoke on surveillance technology value but has potential for abuse, feels council should be involved in the policy making.

Sherry Drobner - agrees with prior speakers, expressed appreciation of incorporating feedback from the public, feels the policy should be an ordinance.

Lisa Rein - appreciates the public process taken, hopes in the future the city will adopt a surveillance ordinance that makes process mandatory before purchasing surveillance equipment.

Miguel Espino - impacted by surveillance, affecting his career and movement, cited methods of surveillance already being used, concerned about accountability of use by employees and that policy can too easily be changed.

B Trehan - spoke regarding oversight and notification of policy changes, and that permission should be provided before purchasing equipment.

Chris Jasinski - spoke on need for transparency and keeping the policy in the public eye consistently, commented on the intimidation caused by the presence of a drone.

Council Discussion: Presenters and staff responded to additional

comments and questions raised by members of the council regarding the purchase of a drone before the policy was written, clarification of need to own a device in order to get FAA approval, desire for more control at the council level on this topic, praise for transparency with public and need to work on a surveillance policy in the future, clarification of listed prohibited uses, relationship between this policy and a public use ordinance.

Action: Received and Filed.

B. Urban Forest Committee Update

Action Proposed: Receive and file.

Contact: Mary Torrusio, Chair of Urban Forest Committee

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding outreach to residents for prohibited trees, involvement with long range planning, funding needs and use and access to planting grants.

Action: Received and Filed.

C. Fiscal Update

Action Proposed: Receive and file a brief update on the City's financial position, overview of upcoming strategic plan, and biennial budget process.

Contact: Karen Pinkos, City Manager, City Management

Mark Rasiah, Finance Manager, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding concern with audit and available staffing, payoff of fund balance debts, need to quickly generate reserves, open and transparent process, reliance on strategic plan process, identification of services not part of the core mission, identification of budget adjustments, focus on increasing the fund balance, transparency in process for determining needed cuts.

Action: Received and Filed.

6. PUBLIC HEARINGS

A. 7952 Terrace Drive Tentative Parcel Map (*Public Hearing Noticed 1/11/2020*)

Action Proposed: Conduct a public hearing, and upon conclusion: (1) Adopt a resolution adopting an Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) for the 7952 Terrace Drive Subdivision Map; and (2) Adopt a resolution approving a Tentative Parcel Map for a two-lot subdivision and an exception to Title 18 of the City's Municipal Code for a minor subdivision proposing a lot without frontage on a public street at 7952 Terrace Drive.

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 intent for development, clarification of easements, and vacancy of adjacent property owned by the applicant.

Public Hearing: Mayor Lyman opened the public hearing.

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

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto **Action:** Approved Tentative Parcel Map Resolution 2020-04 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto **Action:** Approved Addendum to IS/MND Resolution 2020-05 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

B. Extension of Urgency Ordinance Amending Accessory Dwelling Unit Regulations (*Interim Urgency Ordinance Extension, 4/5 Vote Required, Public Hearing Noticed 01/11/2020*)

Action Proposed: Conduct a public hearing and upon conclusion adopt the attached interim urgency ordinance making findings and extending urgency Ordinance 2019-10 regarding accessory dwelling unit regulations. A four-fifths vote of the City Council is necessary to extend 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 timing of extension and electrification.

Public Hearing: Mayor Lyman opened the public hearing.

Public Comments:

Howdy Goudey - spoke in favor of adopting the ordinance, and suggested modifications for the permanent ordinance.

Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember Quinto **Action:** Approved the close of the public hearing. **Ayes:** Mayor

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

Moved/Seconded: Councilmember Pardue-Okimoto/Mayor Pro Tem
Fadelli **Action:** Approved Ordinance 2020-01. **Ayes:** Mayor Lyman,
Mayor Pro Tem Fadelli, Councilmember Pardue- Okimoto,
Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-
Okimoto **Action:** Passed a motion to extend the meeting to 11:00 PM.
Ayes: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-
Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember
Abelson

**C. Purchase and Sale Agreement 6111 Potrero Avenue and 11335-41
San Pablo Avenue (Public Hearing Noticed 1/11/2020)**

Action Proposed: Staff recommends the City Council conduct a public
hearing and adopt a resolution authorizing execution of a Purchase and
Sale Agreement with Potrero Ave Partners, LLC ("Buyer") for the
disposition and subsequent development 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 and Economic Development Analyst, Community
Development Department

Presentation and Discussion: Presenters and staff responded to
comments and questions raised by members of the council regarding
method for arriving at the fair market price.

Public Hearing: Mayor Lyman opened the public hearing.

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-
Okimoto **Action:** Approved the close of the public hearing.

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

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-
Okimoto **Action:** Approved Resolution 2020-06 **Ayes:** Mayor Lyman,
Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto,
Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

7. POLICY MATTERS

**A. Study Session on Project Stabilization Agreement for the City of El
Cerrito with the Contra Costa Building and Construction Trades
Council**

Action Proposed: Discuss and provide direction to staff regarding

negotiation of a Project Stabilization Agreement for the City of El Cerrito.
Contact: Karen Pinkos, City Manager, City Management

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding financial impacts, community benefits, programs for training veterans, apprentice program, example of local hiring, enforcement of agreement, and how can this prevent human trafficking.

Public Comments:

Tom Hanson - IBEW Local 302 business manager, spoke regarding workers and wages building city hall, and spoke in favor of a PSA.

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto **Action:** Passed a motion to extend the meeting to 11:15 PM
Ayes: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember Quinto **Action:** Passed a motion directing staff to move forward with negotiations with Trade Union for a PSA, including clear definition on enforcement and monitoring on compliance. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

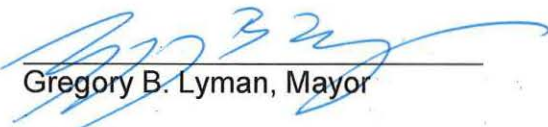
8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

Mayor Lyman - reported on Mayor's conference discussion and Recycle More discussion on strategic plan.

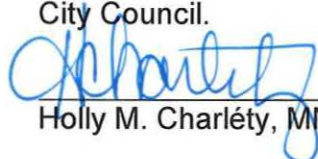
9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 11:12 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 January 21, 2020 as approved by the El Cerrito City Council.



Holly M. Charléty, MMC, City Clerk