EL CERRITO CITY COUNCIL
MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, November 20, 2018 – 6:15 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, November 20, 2018 – 7:00 p.m.
City Council Chambers

ROLL CALL
Present: Councilmembers Abelson, Fadelli, Lyman, Pardue-Okimoto, and Mayor Quinto

CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Quinto convened the meeting at 6: 15 p.m.

1. ORAL COMMUNICATIONS FROM THE PUBLIC
There were no speakers.

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS
Conduct interviews of candidates for the City Boards and Commissions. Interviews may result in an announcement of appointment at the meeting.
Action: Three interviews completed.

3. ADJOURNMENT
The meeting adjourned at 7:10 p.m.

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

CONVENE REGULAR CITY COUNCIL MEETING
Mayor Quinto convened the meeting at 7:15 p.m.

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

2. COUNCIL/STAFF COMMUNICATIONS
Councilmember Fadelli congratulated Janet Abelson and Gabriel Quinto on their re-election and thanked the citizens for the passage of Measure V. He stated there will be transparency on how the revenues from Measure V are spent and he indicated he would like to see some of the funds going toward fire prevention and mitigation.

Councilmember Fadelli stated his support for a ban on plastic straws and said that he hoped that staff would be presenting a report for Council's review in early 2019.

Councilmember Abelson said she has been talking with Supervisor Gioia about how residents can be prepared for things such as the unhealthy air caused by the recent fires. She stated his office will be looking at this as a regional issue and she will continue to keep everyone informed as things progress.

Mayor Pro Tem Pardue-Okimoto reported that the Environmental Quality Committee is working on their action plan and as part of this they are looking at the use of plastics.

Mayor Pro Tem Pardue-Okimoto thanked the residents for supporting Measure V. She stated the Council will be transparent and responsive to community needs, and that making El Cerrito safe from a major fire is something that she would like to see addressed in the upcoming year.

Councilmember Lyman also thanked the voters for their support of Measure V. He advocated for the City using revenues from Measure V to increase the City's reserves, which are currently at 3%. He stated the City's reserve policy is to be at 10%.

Councilmember Lyman cautioned against making any mid-year budget adjustments, with the exception of spending some monies to address the fire hazards in the Hillside Natural Area.

Councilmember Lyman stated that it will be important for the City Council to hold workshops to gather community input and find out what the community is willing to support and to prioritize the City's needs.

Mayor Quinto thanked the voters for his re-election and for re-electing Councilmember Abelson and their support of Measure V.

Mayor Quinto stated his agreement with comments made by other members of the Council regarding the need for building the City's reserves, obtaining community input, and prioritizing how best to spend Measure V revenues.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler suggested the City adopt a travel policy.

Allan Moskowitz, owner of a property adjacent to the Pick and Pack Liquor Store, informed the Council that customers from this store litter trash, urinate, defecate and vomit on his, and surrounding, properties. He suggested that the City require the business owner to allow their customers to use the store's restrooms and that the store, or the City, put trash receptacles in front of the store.

Al Miller provided information on the Contra Costa County Library's Homebound Program.

Gary Prost thanked the Council for doing something to discourage use of the fire pit in the Hillside Natural Area. He referred to lessons learned from the Camp Fire and other fires, including the need for clearly marked and safe evacuation routes. He recommended that on these routes parking only be allowed on one side of the street and no parking should be allowed during a red fire warning. He stated that vegetation needs to be cut back that overhangs onto the roads and, if possible, power lines should be buried. He encouraged tougher building codes to require more fire resistant building materials and that air raid sirens be used to warn people when there is a fire.

Kathy Fleming requested that revenues and expenditures related to Measure V be tracked separately from the general fund in order to build trust with the citizens. She also asked that there be an annual reporting of revenues and expenditures of Measure V funds.

Michael Fischer, Library Commissioner, commented that the library had to close for several days due to the smoke caused by the recent fires. He stated that the building cannot be used to provide refuge from air pollution or as a cooling center during heat waves. He pointed out that a new library built to today's standards would allow the library to be used as a refuge for these types of situations.

Jeff Nalle encouraged the City to consider implementing a rent stabilization ordinance. He said that tenants need to be able to budget for reasonable rent increases, while allowing landlords a reasonable rate of return.

Robin Mitchell stated her support for the City adopting a moratorium on rent increases and a just cause for eviction ordinance.

Howdy Goudey urged the Council to adopt anti-gouging and just cause protections for renters. He stated his belief that non-binding mediation will not address the problem.

Nick Galloro expressed his support for the resolution adopted by the Human Relations Commission related to tenant rights. He said that tenants don't have any rights unless rents can be capped and there is just cause for eviction.

Paul Duncan said he was encouraged to hear the Council state that fire safety is a paramount concern. He cautioned that after watching what happened in the Town of Paradise, the City needs to address the issue of safe evacuation routes.

Scott Perry said he was also encouraged by Council comments regarding the Hillside Natural Area and the need for fire mitigation measures. He stated that the problem is that vegetation has been growing unabated for years and the solution is to reduce and eliminate the vegetation.

Susan Duncan said that she is pleased to hear that the Council has indicated its support for spending funds on fire mitigation measures in the Hillside Natural Area. She stated that she would also like to see the streets kept clear from overhanging vegetation and that owners of private property be required to clear overgrown vegetation.

Robert Howe questioned the best approach for dealing with overgrown vegetation on private property, including the Boy Scout Camp.

Marlene George said she was encouraged to hear that Council is concerned about the fire risk. She stated that the Town of Paradise was a game changer and that the City needs to put money into preventing something like this from happening in El Cerrito. She argued that this should be a top priority before putting Measure V revenues into reserves.

Helen Dickey stated her agreement with others that spoke in support of a cap on rent increases and just cause for eviction.

Jeff Levin stated his support for the resolution adopted by the Human Relations Commission that calls for tenant protection measures including a temporary cap on rent increases as well as a just cause for eviction ordinance. He urged the City to put these measures in place while the City takes a look at all of its policy options for protecting renters.

Sherry Drobner stated her support for the Council adopting tenant protection measures as proposed in the Human Relations Commission resolution.

4. ADOPTION OF THE CONSENT CALENDAR

Action: Moved, seconded (Fadelli/Lyman) and carried unanimously to approve Consent Calendar items C, D and E as indicated below.

A. Minutes

Approve the Minutes for the meetings of October 16, 2018.

Action: Removed from the Consent Calendar by Councilmember Fadelli. Moved, seconded (Abelson/Pardue-Okimoto) and carried unanimously to approve the minutes as revised to include the name of the PCIA (Power Charge Indifference Adjustment).

B. Proclamation – Golden Gate Frontier History Region

Approve a Proclamation proclaiming November as "Golden Gate Frontier History Month".

Action: Removed from the Consent Calendar by Councilmember Fadelli for clarification. Moved, seconded (Abelson/Pardue-Okimoto) and carried unanimously to approve the proclamation.

C. The Schools and Local Communities Funding Act

Adopt a Resolution supporting The Schools and Local Communities Funding Act which will be on the 2020 Ballot.

Action: Adopted Resolution No. 2018-56.

D. Review Body for TDA Article 3 Pedestrian and Bicycle Funding
Adopt a Resolution authorizing an application to the Metropolitan Transportation Commission (MTC) for exemption from the local Bicycle Advisory Committee (BAC)/Bicycle and Pedestrian Advisory Committee (BPAC) requirement and designating the Contra Costa Countywide BAC as the review body for Transportation Development Act Article 3 Pedestrian and Bicycle funding.
Action: Adopted Resolution No. 2018-57.

E. Grant Deeds to allow Lot Line Adjustment for Mayfair Project
Adopt a Resolution accepting Grant Deeds from the City for property located on Assessor's Parcel Numbers 502-062-003, 502-062-028 and a portion of Assessor's Parcel Number 502-062-029 in the block bounded by San Pablo Avenue, Cutting Boulevard, Knott Avenue and Kearney Street to effectuate a Lot Line Adjustment for the Mayfair Project.
Action: Adopted Resolution No. 2018-58.

5. PRESENTATIONS

A. Presentation by Alameda-Contra Costa Medical Association – Opiate Epidemic
Receive a presentation from Joe Greaves, Alameda-Contra Costa Medical Association regarding the opiate epidemic.
Action: Received presentation.

B. Presentation by Badawi & Associates – FY 2016-17 CAFR
Receive a presentation from Badawi & Associates regarding the FY 2016-17 CAFR.
Presentations: Finance Director Rasiah provided background on the audit and the City's financial position. He proposed that any revenues collected from Measure V be put in reserves for the immediate future, while recognizing the importance of funding fire mitigation measures.

Mr. Badawi, Badawi & Associates, gave a presentation on the FY 2016-17 CAFR and answered questions raised by members of the Council.

Speakers:
Cordell Hindler stated that he found the presentation very informative.

Dick Patterson, Chair of the Financial Advisory Board, informed the Council that the Board spent a lot of time considering the City's revenues and expenses and various risk exposures. As a result, he stated that the Board will be coming forward in the next couple of months with a recommendation that the City put sufficient cash, equivalent to about three (3) months of salaries, into an emergency disaster and recovery fund.

Marlene Keller, Financial Advisory board member, stated that it is important for the City to have financial stability and financial resilience. She reported that the Board will be bringing forward a proposal asking the Council to adopt an emergency disaster and recovery fund and to grow this fund to approximately $6 million. She stated that the FAB members do realize that monies may need to be

spent on fire mitigation measures in the immediate future in order to reduce the risk of a major fire. She invited the new City Manager to attend a FAB meeting for purposes of discussing their role in oversight of this special fund.

Action: Received presentations.

6. PUBLIC HEARINGS -

A. Appeal of Conditional Use Permit -1827 Arlington Boulevard

Conduct a Public Hearing and upon conclusion, consider adopting a Resolution denying the appeal and upholding the Planning Commission's approval of a Conditional Use Permit to allow an exception to the main building envelope to allow a height increase for an addition to the third floor of an existing house at 1827 Arlington Boulevard. (Application PL17-0154)

Presentation: Sean Moss, Acting Planning Manager, presented the staff report and answered questions raised by members of the Council.

Public Hearing: Mayor Quinto opened the public hearing.

Speakers:

Leslie Levy, attorney for the appellant, stated that her client appealed the decision of the Planning Commission because the proposed expansion of the applicant's third level is based on a false premise. She reviewed the permitting history of the property and alleged that this was originally a one story residence with an unfinished basement which was made into an illegal accessory unit and that at sometime a third floor was added, but that there is no record of a permit issued for this addition. She stated that to allow the applicant to expand the third level would be to approve an expansion to an already illegal third level and that this expansion would severely block the appellant's views of the Bay and lower his home's value.

Ms. Levy asked that the Council uphold the appeal and require the applicant to remove the existing third level addition or redo the plans so as not to impact her client's views.

Megan Carter, architect for the applicant, showed renderings of the house and the proposed extension of the third level and the portion of the proposed expansion that requires a conditional use permit.. She explained that the purpose of the extension is to allow for a third bedroom on this level as the owners wish to expand their family and have all the bedrooms on the same floor. She explained that the accessory basement area is not connected to the main house and it is not practical to add a bedroom to that area. She noted that a portion of the appellant's view will be blocked by the proposed addition and that one of the applicant's trees also blocks some of the appellant's view. She stated the applicant is willing to trim the tree.

Matias Keil, applicant, explained that in designing the addition, they were sensitive to privacy issues of their neighbors and to limit blocking anyone's views. He stated that they decided not to extend from the back due to the cost and the steepness of the slope.

Kenya Autie stated the design will add value to the owner's property as well as other neighboring properties. She said she is in support of the design as proposed.

Mehdi Fard said that he has a house on a hill with a view and is afraid that one day someone could expand their property in a way that would block his view. He suggested if the expansion can be done without requiring a conditional use permit, it should be designed to not require the permit.

Tatjana Hasachemi expressed concern that the conditional use permit allows for an exception to the building regulations. She asked that the Council support the appeal and require the expansion be redesigned to not require a conditional use permit.

Natana Keil, applicant and co-owner, informed the Council that the property, as is, is not well-designed. She stated that she has one child and would like to have another child and have three bedrooms located on the same floor. She said the proposed design will make the house more livable for a family. She stated that if they have to redesign it so that they will not need the conditional use permit, the redesign will not be as attractive from the outside and to the neighborhood and will not provide them with a functional living space for their family.

Francesca Greene said that she lives on the other side of the street and all of the houses on the applicant's side of the street are single story. She feared that if the Council allows an exception for this property, all the other property owners will want a second story and as a result the views from the homes on the other side of the street will be blocked.

Russ Malboubi, appellant, stated that the proposed design will block views from his first floor. He said the owner is a general contractor and could expand from the back of his property.

Council Discussion: Councilmembers asked questions of the applicant's architect, the appellant's attorney and staff related to the permitting history of the property, the design plans, and the part of the design that is subject to a conditional use permit.

Actions: Moved, seconded (Lyman/Pardue-Okimoto) and carried unanimously to close the public hearing.

Moved, seconded (Pardue-Okimoto/Abelson) and carried unanimously to adopt

Resolution No. 2018-59 to deny the appeal and uphold the Planning Commission's approval of a conditional use permit to allow an exception to the main building envelope to allow a height increase for an addition to an existing house at 1827 Arlington.

B. Integrated Waste Management Fees and East Bay Sanitary Garbage and Green Waste Collection and Processing Rates

1. Conduct a Public Hearing and upon conclusion, consider adopting a Resolution setting the maximum allowable East Bay Sanitary (EBS) garbage and green waste collection and disposal and processing rates effective January 1, 2019.

2. Conduct a Public Hearing and upon conclusion, consider adopting a Resolution setting Integrated Waste Management (IWM) fees effective January 1, 2019.

Presentation: Maria Sanders, Operations and Environmental Services Manager, presented the staff report.

Public Hearing: Mayor Quinto opened the public hearings on both B1 and B2. There were no speakers.

Actions: Moved, seconded (Lyman/Abelson) and carried unanimously to close the public hearings.

Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2018-60 setting rates for East Bay Sanitary.

Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2018-61 setting Integrated Waste Management fees.

7. POLICY MATTERS

A. City Manager Employment Agreement

Adopt a Resolution approving an Employment Agreement between the City and Karen Pinkos to be the new City Manager.

Presentation: Mayor Quinto presented an oral report on the details of the employment agreement.

Councilmember Lyman gave an overview of the process the Council used to negotiate an employment agreement with Karen Pinkos.

Speakers:

Cordell Hindler said that a good city manager needs to get input from staff, sets a vision, and has a good sense of humor.

Christian Teale cautioned the Council about overspending, especially in light of

the audit report. He stated that he has a hard time understanding what warrants the amount being paid in salaries and other benefits as part of the city manager's employment agreement.

Action: Moved, seconded (Pardue-Okimoto/Abelson) and carried unanimously to adopt Resolution No. 2018-62.

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS
Action: There were no reports.

9. ADJOURNMENT
The meeting adjourned at 11:48 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 November 20, 2018 as approved by the El Cerrito City Council.

Sherry M. Kelly
Acting City Clerk