

# EL CERRITO CITY COUNCIL

## MINUTES

**SPECIAL CITY COUNCIL MEETING**  
Tuesday, April 17, 2018 – 6:15 p.m.  
Hillside Conference Room

**REGULAR CITY COUNCIL MEETING**  
Tuesday, April 17, 2018 – 7:00 p.m.  
City Council Chambers

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

Gabriel Quinto – Mayor

Mayor Pro Tem Rochelle Pardue-Okimoto  
Councilmember Paul Fadelli

Councilmember Janet Abelson  
Councilmember Greg Lyman

### ROLL CALL

Councilmembers Abelson, Fadelli, Lyman, Pardue-Okimoto, and Mayor Quinto all present.

6:15 p.m.

### CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Quinto convened the special City Council meeting at 6:15 p.m.

**ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.**

### 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:** Two interviews completed. Art Machado is appointed to the Parks and Recreation Commission for a term concluding on March 1, 2022. Tenzin Rangdol is appointed to the Financial Advisory Board for a term concluding on March 1, 2022.

**ADJOURNED SPECIAL CITY COUNCIL MEETING at 6:55 p.m.**

### ROLL CALL

Councilmembers Fadelli, Lyman, Pardue-Okimoto, Abelson and Mayor Quinto all present.

**7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING**

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Councilmember Greg Lyman.

**2. COUNCIL / STAFF COMMUNICATIONS****COUNCIL COMMUNICATIONS**

Councilmember Abelson attended the "Greening the Golden State" Conference in Sacramento. Presentations included information regarding innovative building temperature controls and also environmental impacts resulting from discarded cigarette butts. Councilmember Abelson encouraged everyone to participate in the upcoming Earth Day Celebration and noted that every year residents work together to remove cigarette butts from the gutters along San Pablo Avenue. She also attended League of California Cities Policy Committee meetings in Pomona. Committee members made recommendations on pending legislation. The Community Services Committee looked at the issues of sexual harassment, increased incidents of crime throughout the state and homelessness.

Councilmember Fadelli stated that he is looking forward to the City's Earth Day celebration and noted that he collected over 1800 cigarette butts at a prior Earth Day event. He also reported that he attended a League Transportation Policy Committee meeting in Pomona this month.

Councilmember Lyman announced that the annual Hillside Festival is May 4-6. Copies of the festival program are available in the lobby.

Mayor Pro Tem Pardue-Okimoto noted the success of the Library's First Wednesday Celebration on April 4 and invited all to visit the library to enjoy the Library's extended hours of operation.

Mayor Quinto agreed that the First Wednesday Library Celebration was a great event. The City hosted the Contra Costa Mayors Conference on April 5. Ali Saidi, Contra Costa Deputy Public Defender, presented the new "Stand Together Contra Costa" program that provides rapid response and immigration legal services in Contra Costa County. On April 7, Mayor Quinto attended a ceremony at the Presidio in San Francisco honoring Filipino World War II veterans. He received a gold medal in memory of his late father's service. His father participated in the war of New Guinea. Mayor Quinto stated that it was great to see the seniors present getting the recognition they each deserve. Later that evening he attended the Rosie the Riveter Annual Benefit Dinner with Councilmember Fadelli. He also attended the League of California Cities Environmental Policy Committee in Pomona last week. The Committee is working on alternative methods for recycling plastic materials and hopes to see "Cap and Trade" program funds used for this. Earlier today he attended a Chamber of Commerce luncheon and presentation on alarm systems with Councilmember Abelson.

Councilmember Lyman announced the appointment of Tenzin Rangdol to the Financial Advisory Board and Art Machado to the Park and Recreation Commission.

**STAFF COMMUNICATIONS**

Karen Pinkos, Assistant City Manager, introduced Maya Williams, Assistant to the City Manager.

### 3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, stated that he has seen the El Cerrito Police Department coming into his neighborhood and other parts of Richmond. He announced the new play at Contra Costa Civic Center and welcomed Maya Williams.

Barry Koops, El Cerrito, Contra Costa Library Commission Alternate, spoke in support of the First Wednesday Extended Library Hours celebration and thanked the City Council and staff for their efforts. Mr. Koops stated that patronage for the first week increased considerably over the last fiscal year.

Michael Fischer, El Cerrito, Contra Costa Library Commissioner, thanked everyone for their support of the Library's First Wednesday Celebration. Mr. Fischer reminded all that the library is outdated and in need of an upgrade and expansion to better serve the community.

Al Miller, El Cerrito, also spoke in support of extended hours at the library and asked that funding continue for expanded hours. Mr. Miller also expressed support for Consent Calendar No 4(G).

Robin Mitchell, El Cerrito, spoke in support of affordable housing.

Howdy Goudey, expressed his appreciation for the Council's investment in extended library hours and announced that the Environmental Quality Committee will host a Fix It Clinic at the library on June 9. The event promotes the culture of reuse and repair instead of throwing things away.

### 4. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 4(A) through 4(G)

Moved, seconded (Pardue-Okimoto/Lyman) and carried unanimously to approve Consent Calendar Item Nos. 4(A) through 4(F) in one motion as indicated below. Item No. 4(G) was removed from the Consent Calendar at the request of Councilmember Lyman and voted on separately as indicated below.

#### A. Approval of Minutes

Approve the April 3, 2018 Regular City Council meeting minutes.

**Action:** Approved minutes.

#### B. Construction Contract Award for Centennial Park Phase I Improvements

Adopt a resolution taking the following actions: 1) Approving plans for the Centennial Park – Phase 1 Improvements, City Project No. C5037; 2) Accepting the five submitted bids for the Project; and 3) Authorizing the City Manager to execute a contract in the amount of \$337,310 with Green Valley Group, Inc. and to approve change orders in an amount not to exceed \$32,000 for the construction of the Project.

**Action:** Adopted Resolution No. 2018-22.

#### C. Senate Bill 1 – The Road Repair and Accountability Act, List of Projects for Fiscal Year 2018-19

Adopt a resolution adopting a list of projects to receive funding from Senate Bill 1 – The Road Repair and Accountability Act, Road Maintenance and Rehabilitation Account revenues in Fiscal Year 2018-19.

**Action:** Adopted Resolution No. 2018-23.

#### D. Opposition to Tax Fairness, Transparency and Accountability Act of 2018

Adopt a resolution opposing the Tax Fairness, Transparency and Accountability Act of 2018 sponsored by the California Business Roundtable on the grounds that the measure would harm the ability of local communities to adequately fund services, and

directing the City Clerk to email a copy of the resolution to the League of California Cities.

**Action:** Adopted Resolution No. 2018-24.

**E. OpenGov, Inc. Professional Services Agreement Amendment**

Adopt a resolution authorizing the City Manager to amend the Professional Services Agreement between the City of El Cerrito and OpenGov, Inc. in an amount not to exceed \$50,000 annually bringing the total contract amount not to exceed \$236,000 of the term of the agreement through October 22, 2022.

**Action:** Adopted Resolution No. 2018-25.

**F. Summer 2018 City Council Meeting Schedule**

Approve a reduced City Council meeting schedule consisting of the third Tuesday in July and August, and third Monday in September 2018. City Council meeting dates in July, August and September 2018 would be held on Tuesday, July 17 and August 21 and Monday, September 17, 2018 (Yom Kippur begins on September 18) with an additional request to keep the first Tuesday in August and September reserved for additional meetings as needed.

**Action:** Approved reduced summer meeting schedule.

**G. Support for the Reinstatement of the Freedom for Immigrants Advocates Program**

At the request of Councilmembers Fadelli and Mayor Pro Tem Pardue-Okimoto, adopt a resolution requesting the reinstatement of the Freedom for Immigrants Advocates Program at the West Contra Costa County Detention Facility and Jail to provide access to the community visitation program for detained undocumented immigrants and the program Hotline so long as program participants follow facility policies like other agencies.

**Speakers:** Sherry Drobner, El Cerrito, expressed support for Councilmember Lyman's alternative resolution and expressed concerns for practices that are occurring at the County jail.

Judith Tannenbaum, El Cerrito, expressed support for Councilmember Lyman's alternative resolution and expressed concerns about practices that are occurring at the County jail.

Ronnie Polonsky, El Cerrito, expressed support for Councilmember Lyman's alternative resolution and the return of CIVIC volunteers to the West County Detention Center to help detainees. Ms. Polonsky also expressed concerns about Sheriff Livingston.

Nicholas Galloro, El Cerrito, stated that he laud's the Council effort to defend the Freedom for Immigrants program. Mr. Galloro stated that he felt the Sheriff's action of denying the volunteers from entering the jail was unethical.

Janet Newman, Albany, CIVIC Volunteer, stated that she supports a more clear resolution and emphasized the urgency of the issue as many of the detainees are isolated and have language barriers.

Richard Bell, El Cerrito, said he supports the resolution being more concise and urged mailing the resolution to the Sherriff.

Helen Dickey, El Cerrito, expressed her appreciation for what the Council has done on this matter.

Suzanne Stoddard, El Cerrito, expressed appreciation for the CIVIC/Freedom for Immigrants program and urged the Council to support reinstatement of the program.

Michael Fischer, El Cerrito, stated that he strongly supports the resolution and said the Sheriff is a bully. Mr. Fischer offered suggestions for amending the resolution.

Howdy Goudey, El Cerrito, expressed appreciation for the Council's consideration of the resolution and pulling the item for discussion.

**Action:** Removed from the Consent Calendar at the request of Councilmember Lyman. Moved, seconded (Lyman/Fadelli) and carried unanimously to adopt Resolution No. 2018-26 as amended by Councilmember Lyman to reorder certain recitals, delete several recitals, and amend the enacting portion of the resolution.

**5. PRESENTATIONS – None**

**6. PUBLIC HEARINGS**

**A. Purchase and Sale Agreement with Mradula and Kanti Patel for 1718 Eastshore Boulevard**

Conduct a public hearing and upon conclusion adopt a resolution authorizing execution of a purchase and sale agreement with Kanti Patel and Mradula Patel for the disposition of 1718 Eastshore Boulevard for the purpose of hotel development. *The approval of entitlements for the proposed development will require environmental analysis under the California Environmental Quality Act (CEQA). The Purchase and Sale Agreement preserves the City's discretionary rights to condition any entitlement approvals on the completion of the appropriate CEQA analysis and the implementation of any required mitigation measures or alternatives necessary to address environmental impacts identified in the CEQA analysis.*

Presenter: Melanie Mintz, Director of Community Development.

Mayor Quinto opened the public hearing.

Speakers: James Ivy, Albany, stated that he recently purchased property located at 11453 San Pablo Avenue. His property currently has two single family structures on it and Mr. Ivy plans to tear them down and build a higher density structure which will ideally mix commercial and residential use on the property. Mr. Ivy said he is concerned about the site having adequate traffic flow and asked that the City Council delay the sale or find a way that the three parties can come up with a traffic management solution.

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

Mayor Quinto re-opened the public hearing.

Casey Weng, Richmond, expressed concerns with the Patel's development and asked that the City Council delay their decision.

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

**Action:** Moved, seconded (Pardue-Okimoto/Abelson) and carried unanimously to adopt Resolution No. 2018-27.

**B. Master Fee Schedule Revision for Fiscal Year 2018-19**

Conduct a public hearing and upon conclusion, adopt a resolution approving the Fiscal Year 2018-19 Master Fee Schedule.

Presenter: Shannon Collins, Accounting Supervisor.

Mayor Quinto opened the public hearing.

**Speakers:** Howdy Goudey, El Cerrito, said he is disappointed about the narrowness of what is being considered this evening regarding electrical vehicle (EV) charging and challenged the proposed EV and electrical fees. Mr. Goudey stressed that the City needs to be more thoughtful about permit fees so that the fees reflect actual cost and the City should also consider fees within the context of scalability.

Cordell Hindler, El Cerrito, expressed support for Mr. Goudey's statement, stated that a lot of work goes into the agenda reports and encouraged the City Council to pass the resolution.

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

**Action:** Moved, seconded (Lyman/Pardue-Okimoto) and carried unanimously to adopt Resolution No. 2018-28 as amended with changes to Exhibit A to incorporate the fee incentives for electrical vehicle charging including: 1) A 25% reduction in fee for two or more on the same property; 2) A 50% reduction for five or more electrical vehicle stations and making the fees in Table 3 of the staff report at 50% of the 100% cost recovery amount for accessory dwelling units for both planning and building permits with an additional 5% reduction if universal design is used.

#### **C. Storm Drain Annual Report and Method of Collecting Storm Drain Fees**

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2018-19 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

**Presenter:** Shannon Collins, Accounting Supervisor.

Mayor Quinto opened the public hearing. No Speakers.

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

**Action:** Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2018-29.

#### **D. Landscape and Lighting Assessment District No. 1988-1**

Conduct a public hearing and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for Fiscal Year 2018-19 as \$72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

**Presenter:** Shannon Collins, Accounting Supervisor.

Mayor Quinto opened the public hearing. No speakers.

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

**Action:** Moved, seconded (Lyman/Fadelli) and carried unanimously to adopt Resolution No. 2018-30.

## 7. POLICY MATTERS

### A. El Cerrito Police Employees' Association Memorandum of Understanding

Adopt a resolution approving the Memorandum of Understanding between the City of El Cerrito and the El Cerrito Police Employees' Association (PEA).

Presenter: Kristen Cunningham, Senior Human Resources Analyst.

Speakers: Cordell Hindler, Richmond, encouraged the City Council to adopt the resolution.

**Action:** Moved, seconded (Abelson/Pardue-Okimoto) and carried to adopt Resolution No. 2018-31 as amended to direct the City Manager to execute the agreements with any changes deemed necessary by the City Attorney and City Manager to clean up language in Exhibit A.

### B. El Cerrito Public Safety Management Association Memorandum of Understanding

Adopt a resolution approving a Memorandum of Understanding between the City of El Cerrito and the El Cerrito Public Safety Management Association – Police Management unit.

Presenter: Kristen Cunningham, Senior Human Resources Analyst.

Speakers: Cordell Hindler, Richmond, encouraged the City Council to adopt the resolution.

**Action:** Moved, seconded (Pardue-Okimoto/Abelson) and carried to adopt Resolution No. 2018-32.

## 8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

Councilmember Lyman reported that the West County Integrated Waste Management Authority (RecycleMore) Board met last week and revised the terms of the Joint Powers Authority (JPA) agreement. One of the biggest changes is having the County come on as a voting member. The future JPA would only have one vote per jurisdiction as a result of scaling the scope back to core services. The City of Richmond which currently has three votes would have only one vote. Any deviation in scope or changes in scope funding requires a unanimous decision. The Authority Board also moved to reduce reserves at RecycleMore which will result in the potential disbursement of \$750,000 of which El Cerrito would get approximately 10% of the total amount.

Mayor Pardue-Okimoto reported that the Gilman Fields recently replaced turf and it is working out well for the users. The JPA voted to increase the fees for non-JPA members who use the field.

**9. ADJOURNED REGULAR CITY COUNCIL MEETING** at 9:42 p.m. in memory of Barbara Bush, former First Lady of the United States of America.

## SUPPLEMENTAL REPORTS AND COMMUNICATIONS

**Item No. 4(G) Support of the Reinstatement of the Freedom for Immigrants Advocates Program**

1. Comments urging support of the CIVIC program – *Submitted by Judith Tannenbaum, El Cerrito.*
2. Petition in support of proposed resolution – *Submitted by Wendy Fiering, El Cerrito.*
3. Petition in support of proposed resolution with additional names added – *Submitted by unidentified individual. Submitted at the City Council meeting.*
4. Petition in support of proposed resolution with additional names added – *Submitted by Richard Bell. Submitted at the City Council meeting.*

**Item No. 6(A) Purchase and Sale Agreement with Mradula and Kanti Patel for 1718 Eastshore Boulevard**

5. Site Map – *Submitted by Melanie Mintz, Community Development Director. Submitted at the City Council meeting.*

**Item No. 6(B) Master Fee Schedule Revision for Fiscal Year 2018-19**

6. Personal comments and March 20, 2018 Environmental Quality Committee recommendation regarding Community Development user fees – *Submitted by Howdy Goudey, El Cerrito.*

**Other:**

7. Stand Together Contra Costa: Your Rights under the United State Constitution – *Submitted by Mayor Quinto.*
8. Cigarette Litter and the Waters of America – *Submitted by Councilmember Abelson.*
9. Homelessness Task Force Report: Tools and Resources for Cities and Counties – *Submitted by Councilmember Abelson.*
10. Contra Costa Library Annual Report and First Wednesday photograph – *Submitted by Michael Fischer, El Cerrito representative to the Contra Costa County Library Commission.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Special and Regular City Council meeting of April 17, 2018 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Gabriel Quinto, Mayor