

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, May 1, 2018 – 6:40 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, May 1, 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.

6:40 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Quinto convened the special City Council meeting at 6:40 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: One interview completed. The City Council appointed Allison Cooper to the Arts and Culture Commission to 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

Mayor Quinto convened the Regular City Council meeting at 7:02 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Mayor Pro Tem Rochelle Pardue-Okimoto.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Quinto announced that the City Council appointed Allison Cooper to the Arts and Culture Commission to a term concluding on March 1, 2022.

Councilmember Fadelli announced that the Arts and Culture Commission has issued a Call to Poets to apply to serve a new term as the City's Poet Laureate. Interested candidates can apply for the position through June 11, 2018. Councilmember Fadelli also congratulated Councilmember Abelson for the success of the City's Earth Day Celebration on April 21 and reported that he attended the Richmond - Ohlone Greenway Gap connector bridge ribbon cutting at Baxter Creek on April 27.

Councilmember Lyman reminded all that the Hillside Festival is May 4-6 throughout the Hillside Natural Area. Councilmember Lyman stated that the event is free and that brochures with scheduling information are available in the lobby.

Councilmember Abelson stated that she also attended the ribbon cutting on April 27 for the Richmond-Ohlone Greenway Gap Closure Project at Baxter Creek. It is an exciting project that connects Richmond to El Cerrito. Councilmember Abelson invited all to visit the site and take a look at the project. Councilmember Abelson also attended the Recreation Department volunteer recognition event on April 27 and also noted that there was a large crowd for the Earth Day event this year.

Councilmember Quinto reported that he and Mayor Pro Tem Pardue-Okimoto will be attending the annual Richmond/San Pablo Cinco de Mayo Parade and Festival. On April 18 Mayor Quinto attended the League of California Cities Legislative Action Day in Sacramento and met with several elected officials. On April 20 Mayor Quinto met with other elected officials to discuss housing, poverty and the environment with Senator Skinner and her staff. The Richmond Ohlone Greenway Gap ribbon cutting on April 27 was amazing. Mayor Quinto invited all to visit the northern end of the city, visit the gardens at Baxter Creek and cross the bridge at San Pablo Avenue.

Cheryl Morse, City Clerk, announced that the Contra Costa County Elections Division will be hosting a workshop for anyone interested in running for elected office on May 12 from 9:00 a.m. to 12:30 p.m. at the Pacheco Community Center. There are two City Council seats open in the November 6, 2018 Election and anyone who has any questions is encouraged to attend the workshop or contact the City Clerk. Ms. Morse also announced that City Hall has been selected as a Regional Early Voting Center for the June and November 2018 elections. Anyone who is registered to vote in Contra Costa County will be able to vote early in the June 5 Statewide Primary Election at City Hall from May 29 through June 1, 11:00 a.m. to 7:00 p.m. and Saturday, June 2 from 8:00 a.m. to 5:00 p.m. The City Clerk will also be partnering with the County Elections Division in its "Vote-N-Go" Program. There will be a secure ballot box located at City Hall. Vote-by-Mail ballots can be placed in an official ballot box at City Hall from May 14 through June 5, 2018 during regular business hours. Ms. Morse also reminded all that the deadline to register to vote in the June 5 Direct Primary Election is May 21.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Judith Tannenbaum, El Cerrito, thanked Councilmember Fadelli for announcing the Arts and Culture Commission's "Call to Poets." Ms. Tanenbaum stated that Maw Shein Win, who was selected to serve as the City's first Poet Laureate, will have her last reading at the Community Center on May 20. The event will include four readings by

Poet Laureates from neighboring cities and a musical performance by a band "Moeser" which has formed just for this event. Ms. Tannenbaum also invited all to visit the new installation in the City Hall Art Gallery featuring Wayne Pope who made a lot of the album covers for Arhoolie Records and also invited everyone to attend the reception on May 26 from 2-5 p.m. at City Hall. Ms. Tannenbaum also spoke in support of El Cerrito becoming a Charter City and expressed appreciation for the work that has been done by staff and the Charter Committee.

Khaled Ibrahim, Albany, stated that he is trying to develop his vacant lot at 1324 Contra Costa Avenue and is having difficulty resolving an issue with the City's Planning Division. Mr. Ibrahim is challenging the determination to perform environmental review and asked the City Council to review his project, the Planning Division's determinations and applicable state laws and the Zoning Ordinance.

Sherry Drobner, El Cerrito, thanked the City Council for passing the resolution requesting re-instatement of the Freedom for Immigrants program at the West County jail and noted that there was meeting today with the Sheriff about the program that went really well. Ms. Drobner also spoke in support of Consent Calendar Item No. 4(D). Ms. Drobner also thanked the Fire Department for their response to her husband's medical emergency which prompted her to think about the proposed closure of Alta Bates Hospital and its impact on the community.

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

Moved, seconded (Lyman/Pardue-Okimoto) and carried unanimously to approve Consent Calendar Item No. 4(E). Items Nos. 4(A) through 4(D) were removed from the Consent Calendar at the request of Mayor Pro Tem Pardue-Okimoto for the purpose of making comments and voted on separately as indicated below.

Moved, seconded (Lyman/Fadelli) and carried unanimously to approve Consent Calendar Item Nos. 4A through 4C in one motion as indicated below. Item No. 4(D) was continued to May 15, 2018.

A. Asian Pacific Heritage Month Proclamation

Approve a proclamation declaring the month of May 2018 Asian Pacific American Heritage Month in the City of El Cerrito and inviting everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

Action: Approved proclamation.

B. Jewish American Heritage Month Proclamation

Approve a proclamation declaring May 2018 as Jewish American Heritage Month in the City of El Cerrito and calling upon all residents to celebrate Jewish Americans who have helped weave the fabric of not only American history, culture and society but also the City of El Cerrito, to visit www.jewishheritagemonth.gov to learn more about the heritage and contributions of Jewish Americans, and to observe this month with solemn remembrance, appropriate programs, activities and ceremonies.

Action: Approved proclamation.

C. Affordable Housing Week Proclamation

Approve a proclamation declaring May 11 to May 20, 2018 as Annual Affordable Housing Week in the City of El Cerrito and confirming the City's commitment to work to support affordable housing at the local, regional and state level and encouraging residents of El Cerrito to participate in regional Affordable Housing Week activities (listed at www.ebho.org/events) to raise awareness about the importance of affordable housing for families and communities.

Action: Approved proclamation and presented to Lisa Motoyama, former

Planning Commissioner/East Bay Housing Organizations representative.

D. Support for Assembly Bill 1793 Cannabis Convictions: Resentencing

At the request of Mayor Pro Tem Pardue-Okimoto, adopt a resolution supporting Assembly Bill 1793 which would require the State Department of Justice to review its database and notify the courts of all cases that are eligible of reduced sentencing or expungement if the person does not meet the eligibility criteria or presents an unreasonable risk to public safety. The resolution also requests that the District Attorney of Contra Costa County join the District Attorneys of Alameda, San Diego, San Francisco, Sonoma and Yolo Counties in supporting these efforts.

Action: Moved, seconded (Pardue-Okimoto/Lyman) and carried unanimously to continue consideration of the item to May 15, 2018.

E. Modify City Council Meeting Schedule

Reschedule the June 5, 2018 City Council meeting to Monday, June 11, 2018 at 7:00 p.m. due to a conflict with the June 5, 2018 Statewide Primary Election. City Hall is a polling place for this election. In addition, schedule a special City Council meeting on Monday, June 18, 2018 at 7:00 p.m. to conduct a public hearing to further discuss and consider a proposed City Charter and possible continued discussion regarding the City budget. The City Council will also meet on June 19, 2018 at 7:00 p.m. to consider adoption of the City's budgets.

Action: Moved, seconded (Lyman/Pardue-Okimoto) and carried unanimously to reschedule the June 5 meeting to June 11, 2018 and schedule a special City Council meeting on June 18 in addition to the June 19 regular meeting.

5. PRESENTATIONS – None

6. PUBLIC HEARINGS

A. Inclusionary Zoning Requirements for New Residential Development Projects, Including Fees In-Lieu of On-Site Affordable Units

Conduct a public hearing and upon conclusion, introduce by title and waive any further reading of an ordinance adding Chapter 19.30 to the El Cerrito Municipal Code to require the inclusion of affordable units within new residential development projects and allow the payment of a fee in lieu of providing units. *Exempt from CEQA.*

Presenters: Aissia Ashoori, Management Analyst and Debbie Kern, Keyser Marston Associates.

Mayor Quinto opened the public hearing.

Speakers: Al Miller, El Cerrito, spoke in support of the proposed ordinance. Mr. Miller stated that the housing shortage is real and the affordable housing shortage is at crisis level.

Robin Mitchell, El Cerrito, spoke in support of the proposed ordinance. Ms. Mitchell stated that the Planning Commissioners had a lot of the same concerns that Council had. The Planning Commission wanted to see the less than ten units category addressed and wanted no limits to the term of affordability. During the Planning Commission meeting Jeff Levin with EBHO, reported that the City of Oakland passed an impact fee different from what the City Council is considering tonight but Oakland has still had a huge increase in units. Mr. Levin did not believe the fee proposed for El Cerrito will impact development (*in a negative way*). Ms. Mitchel said the proposed ordinance is a great step forward and the next issue to tackle is rent stabilization.

Howdy Goudey, El Cerrito, thanked staff and the City Council for prioritization of the issue. Mr. Goudey said the proposed ordinance is an important step but will not entirely solve the problem. The City will need to keep moving forward and keep evaluating the program to see if it is reasonable. Mr. Goudey urged the City Council to explore using \$20.00 per square foot for rental projects instead of \$17.00 for the fee and make the ordinance a little stronger.

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

Action: Moved, seconded (Abelson/Pardue-Okimoto) and carried unanimously to approve by title and waive any further reading of Ordinance No. 2018-02, an ordinance adding Chapter 19.30 to the El Cerrito Municipal Code to require the inclusion of affordable units within new residential development projects and allow the payment of a fee in lieu of providing units as revised with changes to Section 19.30.030 and as amended on the floor by Mayor Pro Tem Pardue-Okimoto with amendments to Section 19.30.040(B)(2) and 19.30.040(C) to specify moderate income units and incorporate corrections in certain sections of the revised ordinance to change "planning approval" back to "permit" as requested by the City Attorney. Additionally, Councilmember Lyman directed the City Attorney to review the definition for residential development as stated in Section 19.030.020 to ensure that when the project is on contiguous property under common ownership or control that if the total number of units would qualify the project for inclusionary requirements the ordinance will be amended as necessary to ensure that the project does not escape inclusionary requirements. *Second reading scheduled for May 15, 2018.*

B. Review City Charter Process and City Charter Committee Recommendation

Conduct a public hearing and receive a presentation from staff on the City Charter development process to date and review the proposed City Charter as recommended by the Charter Committee.

Presenters: Scott Hanin, City Manager and Sky Woodruff, City Attorney.

Mayor Quinto opened the public hearing.

Speakers: Al Miller, El Cerrito, stated that he supports El Cerrito becoming a charter city.

Howdy Goudey, El Cerrito, spoke in support of the Charter process and the draft language and encouraged effective communication with the public going forward.

Robin Mitchell, El Cerrito, spoke in support of the movement toward El Cerrito becoming a Charter City, praised the Charter development process, noted the importance of a robust public information effort, suggested the City Council consider separating the Charter City from the transfer tax on the ballot, and expressed a need to get the realtors and business community to support the measure.

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

Action: Received presentation and public testimony. *The second public hearing is scheduled for June 18, 2018 at 7:00 p.m.*

7. POLICY MATTERS – None

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 highlight from the April 19 Marin Clean Energy (MCE) meeting was the Board's approval of an investment policy. MCE is generating approximately \$50 million in surplus revenue this year and \$50 million next year, has approximately \$150 million cash on hand and spends approximately \$200 million each year. The Board also approved an energy risk management policy. Councilmember Lyman encouraged all to go online at <https://www.mcecleanenergy.org/> to take a look at the policies.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 10:21 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(D) Support for Assembly Bill 1793 Cannabis Convictions: Resentencing

1. Revised resolution with additional enacting clause.
2. Letter to Assembly Public Safety Committee in support of AB 1793 – *Submitted by Cora J. Ward, National Association for the Advancement of Colored People (NAACP), El Cerrito Branch.*

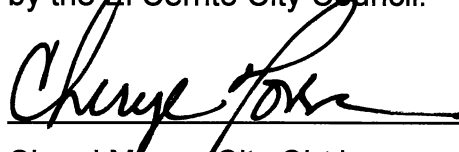
Item No. 6(A) Inclusionary Zoning Requirements for New Residential Development Projects, Including Fees In-Lieu of On-Site Affordable Units

3. Powerpoint presentation – *Submitted by Aissia Ashoori, Management Analyst.*
4. Comments provided by the Bay Area Building Industry Association – Submitted by Lisa A. Vorderbrueggen, BIA Bay Area.
5. Revised resolution – *Submitted by Aissia Ashoori, Management Analyst.*

Other:

6. Application for RAD design review (PL17-0127) – *Submitted by Khaled Ibrahim, Albany.*

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 May 1, 2018 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Gabriel Quinto, Mayor