EL CERRITO CITY COUNCIL
EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, January 18, 2011 – 6:30 p.m.
Hillside Conference Room

CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Tuesday, January 18, 2011 – 7:30 p.m.
City Council Chambers

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

Ann Cheng – Mayor

Mayor Pro Tem Bill Jones
Councilmember Rebecca Benassini

Councilmember/Agency Chair Janet Abelson
Councilmember Greg Lyman

ROLL CALL
Councilmembers Abelson, Benassini, Jones, Lyman and Mayor Cheng all present.

6:30 p.m. CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Cheng convened the Special City Council Meeting at 6:30 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS
Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss scheduling of future interviews.

Action: Interviews conducted.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:34 p.m.

ROLL CALL
Councilmembers/Agency Members Abelson, Benassini, Jones, Lyman and Mayor Cheng all present.

7:30 p.m. CONVENE CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Mayor Cheng convened the Concurrent City Council/Redevelopment Agency meeting at 7:41 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Abelson.

2. **COUNCIL / STAFF COMMUNICATIONS**

   Lori Treviño, Redevelopment Agency Manager, announced that the Metropolitan Transportation Commission has informed the City that it has been selected to receive technical assistance for the Del Norte Transit Oriented Development (TOD) parking policy and demand and development feasibility analysis. Ms. Treviño also informed the City Council and public about potential impacts to the El Cerrito Redevelopment Agency and Housing Fund resulting from Governor Brown’s budget proposal.

   Councilmember Abelson reported that she received a call from West Contra Costa Unified School District Board of Education Director Ramsey who asked her to inform the City Council that the full re-construction of El Cerrito High School is moving forward. The next step is completion of a full size baseball, softball and soccer field. The project also includes the construction and replacement of tennis courts.

   Councilmember Benassini announced a clean up of San Pablo Avenue scheduled for January 22, from 9-12. Councilmember Benassini also reported on her attendance at a PTSA meeting at El Cerrito High School regarding the terrible tragedy of a student who was senselessly murdered. Councilmember Benassini publicized the Writer Coach Connection Program at writercoachconnection.org a program in which one can receive training and help students develop their writing skills. Councilmember Benassini cited this program as one thing you can do to help tutor or mentor students who may not have an adult in their life.

   Councilmember Lyman reminded the public that National Night Out is August 2, 2011. Councilmember Lyman also commended the Human Relations Committee and Pat Durham on the Martin Luther King parade and rally and noted that all members of the City Council, Reverend Wesley and Assemblymember Skinner attended.

   Mayor Pro Tem Jones commented on the Governor’s proposed state budget and encouraged all Councilmembers, staff and residents to read the executive summary posted on the State’s website, stated that impacts are being evaluated now and commented on how this might effect local government and local redevelopment agencies. Mayor Pro Tem Jones stated that local redevelopment agencies are being pitted against education and counties which is unfortunate as the City works closely with the school district and the County on a number of issues. Mayor Pro Tem stated that these parties need to work together to provide services to our residents.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

   Soula Culver, Berkeley, urged the City Council to join twenty-six other cities in opposing smart meters and support Assembly Bill 37 (Huffman) and described health effects associated with smart meters.

   Johanna Finney, El Cerrito, described complaints, symptoms and health effects associated with smart meters and asked the City Council to adopt a moratorium on the installation of smart meters, develop an ordinance to enforce the moratorium and support Assemblyman Huffman’s legislation.

   Marti Kheel, El Cerrito, identified herself as director of El Cerrito residents against smart meters
and visiting scholar at UC Berkeley. Ms. Kheel described health effects associated with smart meters and stated that there is insufficient evidence to demonstrate that smart meters are safe. Ms. Kheel urged the City Council to place an item regarding smart meters on the agenda so information can be presented to the public and to support a moratorium on smart meters and support AB 37.

Sewellyn Kaplan, El Cerrito, asked the City Council to examine and discuss the pros and cons of smart meters so that an informed decision can be made.

4. PRESENTATIONS

A. American Red Cross Proclamation – Proclamation received by Sarah Dahms, Donor Recruitment Account Manager.

Approve and present a proclamation proclaiming January 2011 as National Blood Donor Month in the City of El Cerrito and urge all residents to pay tribute to those among us who donate for others in need. The City Council urges residents in good health to donate regularly, and urges all civic and service organizations and businesses, if they have not already done so, to form blood donor groups to provide blood for others.

Action: Proclamation presented.

B. Contra Costa County Civil Grand Jury – Presentation by Richard Olson, Grand Jury Member.

Mr. Olson will provide a brief description of the mission and function of the Contra Costa Civil Grand Jury and extend an invitation to all residents to submit an application for membership.

Action: Presentation heard.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5F

Moved, seconded (Jones/Abelson) and carried unanimously to adopt Consent Calendar Item Nos. 5A, 5B, 5D and 5F in one motion as indicated below. Consent Calendar Item Nos. 5C and 5E were removed from the Consent Calendar by Councilmember Lyman and voted on separately as indicated below.

A. Minutes for Approval

Approve the December 20, 2010 Special City Council and December 20, 2010 Concurrent City Council/Redevelopment Agency meeting minutes.

Action: Approved minutes.

B. Board of Equalization Contracts for City of El Cerrito Measure R

Adopt a resolution authorizing the City Manager to execute a “Preparatory Agreement” and an “Administrative Agreement” with the California State Board of Equalization to administer and collect the seven-year 1/2 cent transactions and use tax approved by the voters in the November 2, 2010 General Election and to appropriate $175,000 for the preparatory costs incurred by the Board necessary to administer the City’s transactions and use tax.

C. Job Classification Plan Amendments

Adopt a resolution amending the City’s job classification plan to: 1) Establish the classification of Administrative Services Director and establish the salary range as recommended; 2) Establish the classification of Maintenance Services Superintendent and establish the salary range as recommended; and 3) Retitle and revise the class specification of Project and Senior Project Manager to Project/Program and Senior Project/Program Manager.

Action: Removed from the Consent Calendar by Councilmember Lyman. Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2011–02.

D. Support of the West Contra Costa Unified School District’s General Waiver Request of the Statutory Bonding Capacity

At the request of Councilmember Abelson, adopt a resolution expressing the City Council’s support for the West Contra Costa Unified School District’s application to the State Board of Education for a waiver of the Statutory Bonding Capacity.

Action: Adopted Resolution No. 2011–03.

E. Support the Transportation for America Campaign

At the request of Mayor Cheng, adopt a resolution strongly supporting the Transportation for America Campaign’s efforts to create a national transportation program that will take America into the 21st century by building modernized infrastructure and healthy communities where people can live, work and play.

Action: Removed from the Consent Calendar by Councilmember Lyman. Held over to the meeting of February 7, 2011.

F. Proclamation Commending Dennis Diemer, General Manager of the East Bay Municipal Utility District, on the Occasion of his Retirement

Approve a proclamation commending Dennis M. Diemer, General Manager of EBMUD for his exceptional leadership, which has built a world class water and wastewater utility that will continue to provide high quality, reliable water and wastewater service at reasonable rates to the people of the East Bay for future generations, and wish him well in his future endeavors.

Action: Approved proclamation.

6. PUBLIC HEARING

Appeal of a Planning Commission Decision to Approve a Conditional Use Permit to allow an accessory living unit larger than 750 square feet and in front of a primary living unit at 812 Pomona Avenue. A new primary living unit would be built behind the existing single family home, and the existing home would be used as the accessory living unit. Construction of the new primary living unit does not require a conditional use permit.

Conduct a public hearing and upon conclusion adopt a resolution denying an appeal to the Planning Commission’s approval of a Conditional Use Permit to allow a second unit larger than 750 square feet and in front of a primary living unit.

A. Staff Report

1. Proposed Resolution
3. Planning Commission Resolution
4. Plans
B. Communications
1. Grace Bishop, Appellant
2. Ginny Blumberg
3. Bob Blumberg

Councilmember Benassini recused herself from this item after being advised by the City Attorney that she may have a conflict of interest due to a close family member owning property within the radius of the noticing area surrounding the property, stated that she would not be voting or commenting on the item and removed herself from the dais.

Mayor Cheng opened the public hearing.

Presentations: Sean Moss, Senior Planner.
Grace Bishop, El Cerrito, Appellant.
Julio & Sewellyn Kaplan, El Cerrito, Property owners (upon rebuttal only)
David Luckinbill, Applicant.

Speakers: Bob Blumberg, El Cerrito, spoke in support of the appeal of the project and asked the City Council to reject the proposed plan and ask the property owner to work together with the neighbors in good faith and come back with a fair and balanced proposal.
Connie J. Miller, El Cerrito, expressed her support for the appeal of the project.
Ginny Blumberg, El Cerrito, stated that the applicant is seeking to redefine the existing home into an accessory unit and spoke in support of the appeal of the project.
Joyce Jennings, El Cerrito, offered her support of the appeal of the project.
Julie Sorbi, El Cerrito, expressed support for the appeal of the project.
Patty Mead, El Cerrito, spoke in support of the appeal of the project.
Tom Mogensen, El Cerrito, asked the City Council to reject the project and stated that he would like to see a project that satisfies the needs of everyone.
Ellen Deitch, El Cerrito, expressed her opposition to the project and spoke in support of the appeal of the project.
Paul Jacobs, El Cerrito, stated that he supports the appeal of the project.
Saied Moradi, El Cerrito, stated that he supports the appeal of the project.
Jeff Nalle, El Cerrito, expressed concerns with the precedent of allowing large accessory living units and maintaining the quality of the neighborhood and asked that time be taken to meet everyone's needs in the best way possible.
Connie Williams, El Cerrito, stated that the precedent cited on Galvan is not comparable and urged the City Council not to adopt the proposed resolution denying the appeal.
Kalle Nemvalts, El Cerrito, spoke in support of the appeal of the project and expressed concerns in redefining a primary dwelling unit as a secondary unit.
Michelle Westling, El Cerrito, spoke in support of the appeal of the project.
Dennis Bell, El Cerrito, spoke in support of the appeal of the project.

Moved, seconded (Jones/Abelson: Ayes – Councilmembers Abelson, Jones, Lyman and Mayor Cheng; Noes – None; Absent – Councilmember Benassini) and carried to close the public hearing.

Action: Moved, seconded (Abelson/Jones; Ayes – Councilmembers Abelson, Jones, and Mayor Cheng; Noes – None; Abstain – Lyman; Absent – Councilmember Benassini) and carried to adopt Resolution No. 2011–4 to deny the appeal and uphold the decision of the Planning
Commission to approve a conditional use permit to allow an accessory living unit larger than 750 square feet and in front of a primary living unit at 812 Pomona Avenue. The City Council upheld the findings as stated in the resolution and requested that the property owners and the neighbors discuss ways in which the project could be improved so that the neighbors find the project more livable such as the distance [of the project] from the property line, and other livability features and refund the appeal fee of $277 to the appellant.

[Councilmember Benassini re-entered the Council Chambers and assumed her seat at the dais at 10:30 p.m.]

7. POLICY MATTERS – None

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Cheng announced that the Contra Costa Mayors Conference appointed members to the Local Agency Formation Commission (LAFCO). Mayor Cheng also reported that the Council had made a variety of re-appointments and appointments to a variety of City commissions. The Human Relations Commission (HRC) met last week to plan the Martin Luther King Rally and Parade.

B. Councilmember Abelson – No report.

C. Councilmember Benassini reported that the Financial Advisory Board (FAB) reviewed the financial investment policy and made some amendments. The FAB also reviewed the Comprehensive Annual Financial Report (CAFR).

D. Mayor Pro Tem Jones reported that the Sports Filed Joint Powers Authority had met and the softball field is under construction and should be operational late spring or early summer. A baseball field still needs to be developed for which there is no current funding. Additionally, some amenities that need to be finished to complete the master plan still need to be built however there is no current funding. The Planning Commission took up an issue on a possible subdivision.

E. Councilmember Lyman stated that he had nothing to report regarding the Design Review Board. The Crime Prevention Committee met and planned the National Night Out Event.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 5(C) Job Classification Plan Amendments


Item No. 6 Appeal of a Planning Commission Decision to Approve a Conditional Use Permit to allow an accessory living unit larger than 750 square feet and in front of a primary living unit at 812 Pomona Avenue. A new primary living unit would be built behind the existing single family home, and the existing home would be used as the accessory living unit. Construction of the new primary living unit does not require a conditional use permit.

2. Comments in Support of the appeal – Submitted by Constance Williams.

3. Listing of individuals against the project as proposed at 812 Pomona, comments submitted by Constance Williams and two additional statements against the project – Submitted by Grace Bishop.
Other
4. Letter and reports in opposition to PGE Smart Meters – Submitted by Marti Kheel.

9. ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING at 10:33 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council and Concurrent City Council and Redevelopment Agency meetings of January 18, 2011 as approved by the El Cerrito City Council.

Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency

Ann Cheng, Mayor

Janet Abelson, Redevelopment Agency Chair