



## **AGENDA**

### **SPECIAL CITY COUNCIL MEETING – CLOSED SESSION**

**Tuesday, October 2, 2012 – 6:00 p.m.**

**Hillside Conference Room**

### **REGULAR CITY COUNCIL MEETING**

**Tuesday, October 2, 2012 – 7:00 p.m.**

**City Council Chambers**

#### **Meeting Location**

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman  
Councilmember Rebecca Benassini

Councilmember Ann Cheng  
Councilmember Janet Abelson

**6:00 p.m. ROLL CALL**

**CONVENE SPECIAL CITY COUNCIL CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

*Pursuant to Government Code Section 54956.9(b): One potential case*

**ORAL COMMUNICATIONS FROM THE PUBLIC** (*Comments are limited to three minutes and to items on this Special City Council meeting agenda only.*)

**RECESS INTO CLOSED SESSION**

**POSSIBLE REPORT OUT OF CLOSED SESSION**

**ADJOURN SPECIAL CITY COUNCIL MEETING**

**ROLL CALL**

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

**1. PLEDGE OF ALLEGIANCE TO THE FLAG** – Councilmember Ann Cheng.

**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 & City Staff.)*

### **3. ORAL COMMUNICATIONS FROM THE PUBLIC**

*All persons wishing to speak should sign up with the City Clerk. Remarks are limited to 3 minutes per person. Please 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.*

### **4. PRESENTATIONS**

**A. Writer Coach Connection** – *Presentation by Robert Menzimer, Executive Director, Community Alliance for Learning.*

Receive a presentation on the Writer Coach Connection Program.

**B. National Public Radio “NewsPoet” Tess Taylor**

Receive a presentation by National Public Radio “NewsPoet” and El Cerrito resident Tess Taylor. Approve and present a proclamation, recognizing Ms. Tess Taylor on her many accomplishments in the literary field and celebrating her contributions in the areas of both the Arts and Humanities locally and nationally.

**C. Marin Clean Energy Community Choice Aggregation** – *Presentation by Dawn Weisz, Executive Director of Marin Clean Energy, and Adam Lenz, Sustainability Coordinator, City of Richmond.*

### **5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5D**

*Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion unless a request for removal for discussion or explanation is received prior to the time Council votes on the motion to adopt the Consent Calendar.*

#### CITY COUNCIL ITEMS

**A. Minutes for Approval**

Approve the: 1) [September 18, 2012 Special City Council meeting](#); and 2) [September 22, 2012 Special City Council meeting](#).

**B. Proclamation Celebrating Arts and Humanities Month**

Approve a proclamation declaring October 2012 as Arts and Humanities Month in the City of El Cerrito and encouraging all members of the community to enrich their lives by participating in the arts, by being creative, and by supporting local arts and cultural organizations and by celebrating the arts and humanities by attending the City’s Arts and Humanities Month Celebration on Friday, October 26, 2012 at City Hall.

**C. Conflict of Interest Code Update**

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, Employee Pension Board and Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2011–54.

CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY ITEM

**D. Bylaws for the El Cerrito Redevelopment Agency Successor Agency and Update on Implementation of the Dissolution Act and Trailer Bill**

Adopt a Successor Agency resolution approving bylaws for the Successor Agency consistent with Assembly Bill 1484.

**6. PUBLIC HEARING**

**Appeal of the Planning Commission's Approval of a Conditional Use Permit at 11858 San Pablo Avenue**

Conduct a public hearing and upon conclusion adopt a resolution denying the appeal to the Planning Commission's approval of a Conditional Use Permit to allow the re-use of a vacant auto dealership for an auto sales and auto service use located at 11858 San Pablo Avenue.

**7. POLICY MATTERS**

**A. Tax Anticipation Note**

Adopt a resolution authorizing the City Manager to enter into an agreement with Westamerica Bank for the issuance of \$4,000,000 in Tax Anticipation Notes (TAN), and to appropriate \$17,000 for costs associated with the TAN.

**8. COUNCIL ASSIGNMENTS/LIAISON REPORTS**

**A.** Mayor Jones Assignments: Contra Costa County Mayors' Conference, Crime Prevention Committee, Design Review Board, Disaster Preparedness Council Delegate, Municipal Service Corporation Chair, Oversight Board of the Successor Agency for the Former El Cerrito Redevelopment Agency, Pension Board Chair, Temporary Permits Committee, Tom Bates Regional Sports Field JPA, Underground Utilities Committee, West County Integrated Waste Management Authority Alternate and West County Mayors' & Supervisors' Association.

**B.** Mayor Pro Tem Lyman Assignments: Commission/Committee Rules Subcommittee, Contra Costa County Mayors' Conference Alternate, Disaster Preparedness Council Alternate, Economic Development Board, Municipal Services Corporation Vice-Chair, Pension Board Alternate, Planning Commission, Tree Committee, West County Integrated Waste Management Authority Delegate and West County Mayors' & Supervisors' Association Alternate.

**C.** Councilmember Abelson Assignments: Association of Bay Area Governments (ABAG) General Assembly Alternate, Committee on Aging, Contra Costa Transportation Authority, Environmental Quality Committee, League of California Cities East Bay Division Delegate and West Contra Costa Transportation Advisory Committee Delegate.

**D.** Councilmember Benassini Assignments: Arts and Culture Commission, Park and Recreation Commission, Redevelopment Agency Vice-Chair, and Tom Bates Regional Sports Field JPA Alternate.

**E.** Councilmember Cheng Assignments: Association of Bay Area Governments (ABAG) General Assembly Delegate, Commission/Committee Rules Subcommittee, Financial Advisory Board, Human Relations Commission, League of California Cities East Bay Division Alternate,

Redevelopment Agency Chair and West Contra Costa Transportation Advisory Committee Alternate.

## 9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, October 16, 2012 at 7:00 p.m. The meeting will take place in the City Council Chambers at City Hall, 10890 San Pablo Avenue, El Cerrito.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at [www.el-cerrito.org](http://www.el-cerrito.org) prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email [cmorse@ci.el-cerrito.ca.us](mailto:cmorse@ci.el-cerrito.ca.us)
- **IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.**
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.