

# EL CERRITO CITY COUNCIL

## MINUTES

### SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, May 21, 2013 – 6:45 p.m.

Hillside Conference Room

### REGULAR CITY COUNCIL MEETING

Tuesday, May 21, 2013 – 7:00 p.m.

City Council Chambers

#### Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson  
Councilmember Jan Bridges

Councilmember Rebecca Benassini  
Councilmember Mark Friedman

#### 6:45 p.m. ROLL CALL

Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor Lyman all present.

#### CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Lyman convened the Special City Council meeting at 6:45 p.m.

#### ANNOUNCEMENT OF CLOSED SESSION

**Conference with Real Property Negotiators** (*Pursuant to Government Code Section 54956.8*)

**Property:** A seven-acre privately owned parcel (APN 505-1420-148) that abuts the Hillside Natural Area.

**Agency Negotiators:** Scott Hanin, City Manager, Melanie Mintz, Interim Community Development Director

**Negotiating Parties:** Security Owners Corporation

**Under Negotiation:** Price and Terms

#### ORAL COMMUNICATIONS FROM THE PUBLIC

Dave Weinstein, El Cerrito, representing El Cerrito Trail Trekkers and the El Cerrito High School Mountain Biking Club, expressed support for the City's purchase of the Busby property and said both groups will engage in fundraising if the purchase goes through.

**RECESSED INTO CLOSED SESSION** at 6:47 p.m.

**POSSIBLE REPORT OUT OF CLOSED SESSION** (*Mayor Lyman announced during the Regular City Council meeting that the City Council gave direction to staff to negotiate.*)

**ADJOURNED SPECIAL CITY COUNCIL MEETING – CLOSED SESSION** at 7:03 p.m.

**ROLL CALL**

Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor Lyman all present.

7:00 p.m.

**CONVENE REGULAR CITY COUNCIL MEETING**

Mayor Lyman convened the Regular City Council meeting at 7:07 p.m.

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

**2. COUNCIL / STAFF COMMUNICATIONS**

Mayor Lyman stated that the City Council had just met in closed session prior to the regular City Council meeting regarding a privately owned seven acre parcel of land (APN 505-1420-148) and reported that the City Council gave direction to staff to negotiate.

Mayor Pro Tem Abelson informed the Council and the public that the last showing of the Healthcare Movie is May 22, 2013. The movie will be followed by a discussion. There is no charge for the movie. Mayor Pro Tem Abelson invited all to attend.

Councilmember Bridges reported that she and Councilmembers Benassini and Friedman were honored to recognize and attend the Stege Centennial Celebration on May 18, 2013. It was a gala event. Councilmember Bridges received a tour of the new building by Stege Director Al Miller.

Councilmember Benassini informed the public that the Police Department will be offering a Home Security Expo on June 1 from 1-4:30 p.m. at the Community Center. The Police will provide tips on how to keep your home secure.

**Recognition of the Recycling and Environmental Resource Center's Receipt of the 2013 Association of Bay Area Governments (ABAG) Growing Smarter Together Award for Urban Design** – *Introduction and presentation by Mayor Lyman. The presentation included a brief video prepared by ABAG.*

**3. ORAL COMMUNICATIONS FROM THE PUBLIC**

Al Miller, El Cerrito, thanked Councilmembers Benassini, Bridges and Friedman, City Manager Hanin and Assistant City Manager Pinkos for taking part in the Stege Centennial Celebration. Mr. Miller stated that State Senator Hancock presented a combined resolution on behalf of herself and Assemblymember Skinner to Stege Sanitary District at the event.

Ken Solenen, El Cerrito, expressed his support for the City's purchase of the Busby property.

Paul Young, El Cerrito, expressed his support for the City's purchase of the Busby property and also stated that he maintains the blog backyard critter watch ([backyardcritterwatch.blogspot.com](http://backyardcritterwatch.blogspot.com)) that contains pictures of wildlife in his own backyard which is almost adjacent to the Busby property.

Tom Panas, El Cerrito, thanked the City Council for its support of SCA 7 which provides funding for local library measures and enhancement of library services throughout the state. Mr. Panas also informed the public that West Coast Arborists has donated new benches to the City, which are located outside the Sundar Shadi Historical Room and at the Recycling Center. The benches were built by West Coast Arborists from wood trimmed off El Cerrito trees.

**4. PRESENTATIONS**

### **A. Introduction of Bay Area Rapid Transit Director Rebecca Saltzman**

Director Saltzman will discuss her vision for the future of BART.

Director Saltzman identified her primary priority as re-investing in BART's aging infrastructure and expanding capacity over the next several years. Other priorities include building better partnerships with other agencies and making transit easier; fostering open government and public participation in BART decision making; continuing to focus on transit oriented development; and make BART run later in the evenings on the weekends. Director Saltzman also described pending projects and programs at BART including its long term visioning process and creative improvements being considered as part of the BART-Metro program.

**Action:** Received presentation.

### **B. Proclamation Recognizing Prospect Sierra's Green Ribbon Schools Award**

Approve a proclamation recognizing and congratulating Prospect Sierra School on being one of the schools to win the Green Ribbon Schools Award and for having a positive impact on education with an emphasis on the environment and green advocacy.

Katherine Dinh, Executive Director and Steve Harrington, Facilities Manager, Prospect Sierra School, accepted the proclamation on behalf of the school.

**Action:** Approved proclamation.

### **C. Library Update – Presentation by Barbara Flynn, County Librarian.**

Ms. Flynn will provide an update on the Library including the Library's Strategic Plan, Library Awards and its Centennial Celebration.

Ms. Flynn thanked the City and the Community for its participation in Rotary Clean-Up Day and also thanked all library volunteers and the Friends of the Library for their continuing service. Ms. Flynn reminded all about the June 14, 2013 Celebration of the 100<sup>th</sup> anniversary of the El Cerrito Library which will take place from 7-9 p.m. at the Library. Ms. Flynn also described and invited all to participate in the summer reading program that begins on June 8. The reading festival kick-off is June 21 at the Leshner Center and includes a talk by Michael Pollan.

Ms. Flynn also announced that the Contra Costa Library is one of five public libraries in the nation to receive the Institute of Library Services Medal in recognition of the innovative services offered to the community, including the Discover and Go Program which features reduced cost passes for museums. The Award included receipt of an \$84,000 grant to extend the reach of the Discover and Go program.

The County Library system will be celebrating its centennial anniversary on July 21, 2013 at Pleasant Hill Park. There will be music, games, storytelling, and entertainment for everyone. Ms. Flynn invited everyone to attend and extended a special invitation to the public to become involved in the library's strategic planning process.

**Action:** Received presentation.

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

Moved, seconded (Friedman/Abelson) and carried unanimously to approve Consent Calendar Item Nos. 5A and 5C through 5D as indicated below, including a revised Item No. 5C which amended the fifth recital of the proclamation to reflect a national rather than state statistic. Consent Calendar Item No. 5B was withdrawn from the consent Calendar at the request of Mayor Lyman and voted on separately as indicated below.

### **A. Minutes for Approval**

Approve the following meeting minutes:

- 1) May 7, 2013 Special Joint City Council / West Contra Costa Unified School District Board of Education; and
- 2) Regular City Council.

**Action:** Approved minutes.

### **B. On-Call Construction Management Services Agreements**

Adopt a resolution authorizing the City Manager to execute professional services agreements with two consultants firms, Bellecci & Associates, Inc. and Jacobs Engineering, Inc., in an amount not to exceed \$250,000 per year per consultant for on-call construction management services for periods of three years with options to extend for an additional two years.

**Action:** Removed from the Consent Calendar by Mayor Lyman. Councilmember Benassini explained that she abstained from voting on this item because the company that she works for has a subcontractor relationship with Jacobs Engineering, one of the firms that the City may potentially award a contract to. Councilmember Benassini further explained that, consistent with Government Code Section 1090, due to the size of her firm, the fact that she does not own any shares in the firm and due to her long tenure at the firm she will abstain from voting on this item.

Moved, seconded (Friedman/Abelson; Ayes – Councilmembers Abelson, Bridges, Friedman and Mayor Lyman; Noes – None; Abstain – Councilmember Benassini) and carried to adopt Resolution No. 2013–23.

### **C. Asian American and Pacific Islander Heritage Month Proclamation**

At the request of Mayor Pro Tem Abelson, approve a proclamation proclaiming the month of May 2013 as Asian American and Pacific Islander Heritage Month in the City of El Cerrito and invite 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 revised proclamation.

### **D. Proclamation Proclaiming June as Lesbian, Gay, Bisexual, Transgender Pride Month**

At the request of Mayor Lyman and Mayor Pro Tem Abelson approve a proclamation proclaiming the month of June 2013 as Lesbian, Gay, Bisexual, Transgender Pride Month in the City of El Cerrito and invite everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding, and further, recognize Pride Month by flying the rainbow flag at City Hall during the month of June.

**Action:** Approved proclamation.

## **6. PUBLIC HEARING**

### **A. Confirming the Diagram and Levying an Assessment for Fiscal Year 2013-14 for 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 2013–14 as \$72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

**Presenter:** Lisa Malek-Zadeh, Finance Director.

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Benassini/Friedman) and carried unanimously to close the public hearing.

**Action:** Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Resolution No. 2013-24.

**B. Fiscal Year 2013-14 Storm Drain Annual Report and Fees**

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2013-14 Storm Drain Annual Report and directing that storm drain fees be collected on the property tax rolls.

**Presenter:** Lori Treviño, Economic Development Manager.

Mayor Lyman opened the public hearing. No speakers.

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

**Action:** Moved, seconded (Friedman/Abelson) and carried unanimously to adopt Resolution No. 2013-25.

**7. POLICY MATTERS**

**A. Extension of Eden Housing Exclusive Negotiating Rights Agreement with Eden Housing**

Adopt a resolution authorizing the City Manager to extend the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing, Inc. (Developer) for negotiating of a Disposition and Development Agreement (DDA) of an affordable housing project at 10848-10860 San Pablo Avenue to February 8, 2014.

**Presenter:** Hilde Myall, Senior Housing Project Manager.

**Action:** Moved, seconded (Friedman/Bridges) and carried unanimously to adopt Resolution No. 2013-26.

**B. Adoption of El Cerrito Climate Action Plan**

Approve a resolution adopting the El Cerrito Climate Action Plan.

**Presenter:** Maria Sanders, Environmental Analyst.

**Speakers:** Mark Miner, Environmental Quality Committee Chair (EQC), recognized Mayor Pro Tem Abelson for her vision, and thanked Ms. Sanders for her excellent work on the CAP. Mr. Miner summarized the Environmental Quality Committee's comments on the CAP and described future projects of the EQC associated with the CAP.

Howdy Goudey, EQC member, thanked Ms. Sanders for her work on the CAP and encouraged the City Council to implement the recommendations outlined in the Plan.

Robin Mitchell, El Cerrito, expressed support for the CAP and stated that she is proud that the City has taken on greenhouse emissions. Ms. Mitchell thanked Ms. Sanders for all of her work on the Plan.

Al Miller, El Cerrito, expressed support for the CAP and noted that it is consistent with past actions taken by the City Council to make El Cerrito a leader in environmental quality and is also consistent with pledges made by Councilmembers when they ran for office. Mr. Miller encouraged the City to have meetings and develop strategies to facilitate implementation of the Plan.

**Action:** Moved, seconded (Abelson/Bridges) and carried unanimously to adopt Resolution No. 2013-27 as corrected.

**8. COUNCIL ASSIGNMENTS/LIAISON REPORTS**

A. Mayor Lyman reported that the Tree Committee met and is successfully achieving its goals including the development of a master tree planting list for the city so staff can quickly assess whether trees proposed for planting in developments, public spaces, along roads and parks are acceptable. The Tree Committee is taking a trip around town during a special meeting in June to view planting locations in parks, along roadways, medians and planting wells. Mayor Lyman also reported on his attendance at the West County Integrated Waste Management Authority (WCIWMA) budget workshop. The WCIWMA did not modify the two year budget plan however there was much discussion about the commitment for the resource recovery facility and when it goes away. The Authority is going through a process to determine what the authority will look like in the future. The Authority will look at the balance of its budget in October 2013.

B. Mayor Pro Tem Abelson emphasized the importance of the Healthcare Movie sponsored by the Committee on Aging and the work the Committee is doing. The Environmental Quality Committee is working well together and has a large membership.

C. Councilmember Benassini reported that the Planning Commission chair informed her that the Commission approved a conditional use permit for an existing wireless facility located near EC Plaza at its last meeting. The Financial Advisory Board will meet next week to discuss the budget.

D. Councilmember Bridges reported that the Gilman Fields Joint Powers Authority (JPA) met on May 15. The burrowing owls which had been protected at the site have apparently left due to a phenomenon that happens in the Spring. The Joint Powers Agreement started in 2006. At that time each of the five cities that are part of the JPA were going to be assessed \$15,000 per year to cover costs. Most cities have not been contributing funds since user fees have generated funds. The infield artificial turf is scheduled for replacement in 2016 or sooner. There is a financial shortfall. Approximately \$750,000 has been budgeted for the turf replacement however the total cost is estimated at 1 million to 1.5 million dollars leaving a shortfall of approximately \$650,000. Staff examined the initial agreement and there is a commitment to put in \$15,000 per year to pay the City's obligation to the JPA. The operators are also going to look at the fee structure for users and will probably increase fees to cover some of the costs. The City has not been budgeting this money but will begin to do so in Fiscal Year 2013-14. Although the cost is unanticipated the City is committed to supporting the fields. The City will be looking at who, including how many residents, use the fields and other accounting metrics but the City does have an existing commitment to fund the JPA.

E. Councilmember Friedman reported that the Arts and Culture Commission discussed putting on another "Do it Yourself Day" involving teaching arts throughout the community and also mentoring programs for youth.

## SUPPLEMENTAL REPORTS AND COMMUNICATIONS

### **Item No. 2 Recognition of the Recycling and Environmental Resource Center's Receipt of the 2013 Association of Bay Area Governments (ABAG) Growing Smarter Together Award for Urban Design**

1. ABAG Award Video presentation – *Submitted by Mayor Lyman and Melanie Mintz, Interim Community Development Director.*

### **Item No. 5(C) Asian American and Pacific Islander Heritage Month Proclamation**

2. Revised proclamation – *Submitted by Cheryl Morse, City Clerk.*

**Item No. 7(B) Adoption of El Cerrito Climate Action Plan**


3. Powerpoint presentation – *Submitted by Maria Sanders, Environmental Analyst.*

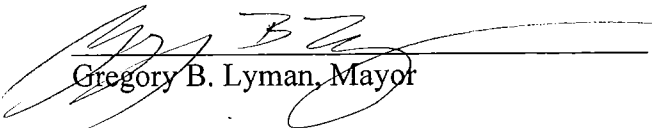
**Other:**

4. Comments thanking the City Council for its support of SCA 7 and benches donated by West Coast Arborists – *Submitted by Tom Panas, El Cerrito.*

9. **ADJOURNED REGULAR CITY COUNCIL MEETING** at 9:25 p.m.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Special City Council – Closed Session and Regular City Council meetings of May 21, 2013 as approved by the El Cerrito City Council.

  
Cheryl Morse, City Clerk

  
Gregory B. Lyman, Mayor