

**EL CERRITO CITY COUNCIL  
PUBLIC FINANCING AUTHORITY  
PENSION TRUST BOARD**

**MINUTES**

**SPECIAL CITY COUNCIL MEETING**

**Tuesday, July 16, 2013 – 6:15 p.m.**

**Hillside Conference Room**

**SPECIAL CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY / PENSION  
TRUST BOARD MEETING**

**Tuesday, July 16, 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

**6:15 p.m.**

**ROLL CALL**

Present: Councilmembers Benassini, Bridges, Friedman and Mayor Pro Tem Abelson.

Absent: Mayor Lyman

**CONVENE SPECIAL CITY COUNCIL MEETING**

Mayor Pro Tem Abelson convened the Special City Council meeting at 6:15 p.m.

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

**COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS**

Conduct interviews of candidates for city boards, commissions and committees. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.

**Action:** Interviews conducted. *Mayor Pro Tem Abelson announced the City Council's appointment of Janice Woo as delegate and the reappointment of Tom Panas as alternate to the Contra Costa Library Commission during the regular City Council meeting.*

**ADJOURNED SPECIAL CITY COUNCIL MEETING at 6:57 p.m.**

**ROLL CALL**

Present: Councilmembers Benassini, Bridges, Friedman and Mayor Pro Tem Abelson.

Absent: Mayor Lyman

7:00 p.m.

## CONVENE SPECIAL CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY AND PENSION TRUST BOARD MEETING

Mayor Pro Tem Abelson convened the special concurrent City Council / Public Financing Authority and Employee Pension Trust Board meeting at 7:05 p.m.

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Mayor Pro Tem Abelson.

### 2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Friedman reported that he had attended a workshop on the Affordable Care Act convened by Assemblymember Skinner on July 11, 2013. The workshop was very interesting. Many things have yet to be determined regarding implementation of the Affordable Care Act. The Act will have ramifications for everyone. President Obama has backed off on many mandates for businesses.

Mayor Pro Tem Abelson reported that the City's first *Off the Grid* event was a great success with over 1700 people in attendance. *Off the Grid's* gourmet food trucks occur on Wednesday evenings at Fairmont between Carlson and San Pablo Avenue. Everyone is welcome. Mayor Pro Tem Abelson also announced that the City received several awards. The Fire Department received three different grant awards consisting of \$856,000 for a new ladder truck, \$160,000 for breathing equipment and \$65,000 for automated chest compression devices. These grants are all for equipment to be used in our local community and does not have to otherwise come out of the general fund. The City also received a number of 2013 Parents Press Awards for recreation programs and services including Best Children's Care, Best Fair or Festival for the Fourth of July event, Best General and Traditional Summer Camp, Best Gymnastics Classes, Best Independent Pre-School – Casa Cerrito, Best Nature, Animals and Science Summer Camp, Best Sports-writing and Circus Summer Camp, Best Spring Break Summer Camp, Best Swim Classes, and Best Winter Camp. Mayor Pro Tem Abelson thanked everyone for doing a great job.

Mayor Pro Tem Abelson also reported that the City Council completed commission candidate interviews. Janice Woo was appointed as El Cerrito's representative to the Contra Costa Library Commission Delegate and Tom Panas was reappointed as the alternate for terms concluding on June 30, 2017.

**Update on *Off the Grid* and Urban Greening Plan Survey** – Melanie Mintz, Community Development Director.

Melanie Mintz, Community Development Director, reported that the city received a lot of positive feedback on *Off the Grid*. The event seems to be going smoothly. City Staff is working with local businesses to capitalize on the influx of new people coming into the area and is also encouraging the public to use public transportation and BART.

Ms. Mintz also provided an update on the City's Urban Greening Plan. The first community-wide workshop on the Urban Greening Plan and Active Transportation Plan will occur on July 23.

### 3. ORAL COMMUNICATIONS FROM THE PUBLIC

Diane Hall, El Cerrito, expressed her desire to sell her own baked goods at the Farmers Market for school fundraisers for art classes and requested additional information on how to do it.

Ralph Boniello, El Cerrito, expressed his support for the *Off the Grid* event and requested repainting of a red curb that used to exist near Chipotle to prevent cars from parking in the bike

lane.

Tyra Wright, El Cerrito, spoke on behalf of the West Contra Costa County Realtors and Contra Costa Association of Realtors. Ms. Wright invited the City Council to attend a reception which honors the service of elected officials.

#### 4. PRESENTATIONS

##### **Update on 1800 Elm Street – Presentation by Chamberlain Associates.**

Steve Chamberlain, Chamberlain Associates, introduced himself to the City Council and the public. Mr. Chamberlain stated that he and his wife acquired the Windrush School site last year. Mr. Chamberlain stated that upon retirement he and his wife have decided to focus their philanthropic efforts on public education in the area and described several of their philanthropic endeavors in the West County Community, particularly the facility located at 1800 Elm Street. Chamberlain Associates hopes to create a joint public middle and high school at the site operated by Summit Public Schools.

Kelly Garcia, Summit Schools – Everest High School, described the mission and program goals for Summit Public Schools. Ms. Garcia said that Summit Schools is a nationally recognized organization that is delighted to serve West County and noted that Summit focuses on college readiness, character and community.

*Approximately ten people stood in support of the Summit Schools endeavor.*

Speakers: Ben Steinberg, Mira Vista Elementary parent, said he would welcome a charter school with open arms and pledged his support to do anything to make the proposed charter school a success.

Dennis Cody, El Cerrito, stated that he is excited about the idea of a charter school that has new ideas and different options for students.

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

Moved, seconded (Friedman/Bridges; Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Pro Tem Abelson; Noes – None; Absent – Mayor Lyman) and carried to adopt Consent Calendar Item Nos. 5A through 5D in one motion as indicated below.

#### CITY COUNCIL/PUBLIC FINANCING AUTHORITY/PENSION TRUST BOARD ITEM

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

Approve the June 18, 2013 Special City Council Closed Session and June 18, 2013 Concurrent City Council/Public Financing Authority and Pension Trust Board meeting minutes.

**Action:** Approved minutes.

#### CITY COUNCIL ITEMS

##### **B. Establish Speed Limits for Eleven Speed Zones**

Adopt a resolution establishing speed limits for eleven speed zones identified in the resolution to allow for enforcement of these limits using radar, lidar or other electronic device in conformance with State of California requirements.

**Action:** Adopted Resolution No. 2013–35.

##### **C. Application for Federal Funding through the Metropolitan Transportation Commission’s Portion of the OneBayArea Grant Program, for the 2013–14 Pavement Rehabilitation Project, C3074**

Adopt a resolution applying for \$630,000 in federal Surface Transportation Program (STP) funding through the County portion of the Metropolitan Transportation Commission’s (MTC’s) OneBayAreaGrant (OBAG) Program, committing the necessary non-federal match,

and stating the assurance to complete the 2013–14 Pavement Rehabilitation Project, C-3074.

**Action:** Adopted Resolution No. 2013–36.

**D. Committee on Aging Appointment**

Approve a Committee on Aging recommendation to appoint Nola Veganas Chavez to the Committee on Aging, effective July 24, 2013.

**Action:** Approved recommendation.

**6. PUBLIC HEARING**

**Fire Hazard Abatement**

- 1) Adopt a resolution declaring weeds, rubbish, litter or other flammable material on certain real property identified in the resolution constitutes a public nuisance.
- 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

**Presenter:** David Ciappara, Fire Prevention Officer.

**Action:** Moved, seconded (Friedman/Benassini; Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Pro Tem Abelson; Noes – None; Absent – Mayor Lyman) and carried to adopt Resolution No. 2013–37 declaring a nuisance including a revised Exhibit A.

Mayor Pro Tem Abelson opened the public hearing. No speakers.

Moved, seconded (Benassini/Friedman; Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Pro Tem Abelson; Noes – None; Absent – Mayor Lyman) to close the public hearing.

**Action:** Moved, seconded (Friedman/Benassini; Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Pro Tem Abelson; Noes – None; Absent – Mayor Lyman) and carried to adopt Resolution No. 2013–38 including a revised Exhibit A ordering abatement of public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

**7. POLICY MATTERS**

**A. Agreement with The Trust for Public Land for Acquisition of Hillside Natural Area Property (APN 505-142-014, -012 and -013)**

Adopt a resolution authorizing the City Manager or his designee to enter into the following: 1) Purchase and Sale Agreement; and 2) Professional Services Agreement with the Trust for Public Land for the acquisition of approximately 7.6 acres of open space property adjacent to the Hillside Natural Area for conservation and recreation purposes and for acquisition related and fundraising assistance.

**Presenters:** Melanie Mintz, Community Development Director, David Sutton, Northern California Director, Trust for Public Land, Brendan Moriarty, Project Manager – San Francisco Bay Area, Trust for Public Land.

**Speakers:** Dave Weinstein, El Cerrito, President of El Cerrito Trail Trekkers, praised the City Council, City staff and the El Cerrito High School Mountain Bike Community for their efforts and spoke in support of the land acquisition.

*Approximately 25 people stood in support of the acquisition.*

Michael Mejia, Richmond, President of the Bicycle Trails Council of the East Bay, spoke in support of the acquisition and offered the resources of the Bicycle Trails Council for trail building.

Seth Kaplan, El Cerrito Parks and Recreation Commissioner, spoke in support of the acquisition and noted that the Parks and Recreation Commission was divided when it considered the acquisition. The Commission discussed issues regarding competing needs within the context of limited funds and expressed concerns about the process and not having enough time to fully consider the matter.

Gary Hill, El Cerrito Parks and Recreation Commissioner and coordinator for the El Cerrito High School Mountain Biking Team, spoke in support of the land acquisition. Mr. Hill stated that the property is a critical link between the northern and southern hillside areas and stated that the property's open space will become more important as density increases and will benefit generations to come. Mr. Hill said that \$13,000 has been raised so far.

Anne Ogonowsky, El Cerrito, representing Friends of Five Creeks, spoke in support of the land acquisition.

Ralph Boniello, El Cerrito, spoke in support of the land acquisition and stated that he observed a special creek, native and rare plants and wildlife on the property. The property provides an important linkage for wildlife and for recreational and educational opportunities in the community.

Tom Panas, El Cerrito, spoke in support of the land acquisition and stated that Measure WW funds are a great use for acquisition of this property. Mr. Panas also thanked the Friends of Five Creeks and the El Cerrito Trail Trekkers for bringing the property to the staff's attention and also thanked staff and the Trust for Public Land for following up so promptly and effectively.

Howdy Goudey, El Cerrito, Environmental Quality Committee member, spoke in support of the land acquisition however he encouraged the City Council to reflect on the process undertaken to consider the acquisition. Mr. Goudey said he felt the issue did not hold up to the City's standards for openness and transparency, noted the importance of taking time to prioritize projects within the context of competing needs and asked that future projects be done in the most equitable and representative way.

Betty Buginas, El Cerrito, expressed support for the land acquisition and noted the benefit to the schools, students, families and various community groups.

Philip Martien, El Cerrito, spoke in support of the land acquisition, noted the benefits that will accrue from the purchase and commended staff and the Trust for Public Land for putting the project together.

Susanna Marshland, Kensington, Secretary of the El Cerrito High School Mountain Biking Team, spoke in support of access to trails and expressed her support for the land acquisition.

Alexander Marshland, Kensington, former rider of El Cerrito Mountain Biking team, spoke of the benefits of mountain biking and expressed support for this land acquisition.

Robin Mitchell, El Cerrito, stated that she was one of two Parks and Recreation Commissioners who voted against the project. Ms. Mitchell stated concerns that so much of Measure WW funds will be spent on the land acquisition with little money left for other projects. Ms. Mitchell stated that she believes many residents in the City are underrepresented and will never make it up to the Hillside Natural area but may use other more centrally located green spaces.

Brian Seegers, Kensington, stated that he has been a rider on the El Cerrito Mountain Biking Team for last four years. Mr. Seegers described several benefits resulting from mountain biking and expressed support for the property acquisition.

Judy Forrest, El Cerrito, addressed objections that had been raised to the property acquisition and encouraged acquisition of the property.

**Action:** Moved, seconded (Benassini/Friedman; Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Pro Tem Abelson; Noes – None; Absent – Mayor Lyman) and carried to adopt Resolution No. 2013–39.

**B. Results of Survey by Godbe Research on Development of Future City Facilities**

Receive a presentation from Godbe Research on the results of their telephone survey of El Cerrito residents to ascertain voter opinions related to the potential funding for future City facilities (library, public safety building and recreational facilities) and discuss and provide comments and feedback.

**Presenter:** Karen Pinkos, Assistant City Manager and Brian Godbe, Principal, Godbe Research.

**Speaker:** Tom Panas, El Cerrito, expressed delight for the community's support for a Library and pledged support from the Library Friends for a new library.

**Action:** Received presentation.

**SUPPLEMENTAL COMMUNICATIONS**

**Item No. 4 Update on 1800 Elm Street – Presentation by Chamberlin Associates.**

1. Summit Public School: K2 Mission and Background – *Submitted by Kelly Garcia, Summit Schools.*

**Item No. 7(A) Agreement with The Trust for Public Land for Acquisition of Hillside Natural Area Property (APN 505-142-014, -012 and -013)**

2. Comments in support of the land acquisition – *Submitted by Tom Panas, El Cerrito.*

**Item No. 7(B) Results of Survey by Godbe Research on Development of Future City Facilities**

3. Comments regarding polling and a new library – *Submitted by Tom Panas, El Cerrito, New Library Committee.*

**8. COUNCIL ASSIGNMENTS/LIAISON REPORTS**

**A.** Mayor Lyman – Absent.

**B.** Mayor Pro Tem Abelson reported that she attended the Contra Costa Mayors Conference in which those in attendance received a presentation from Grace Crunican, Executive Director of Bay Area Rapid Transit (BART). Ms. Crunican talked about work BART is doing with infrastructure improvements and upholstery replacement. BART will also be allowing more room for bicycles and standing passengers at entrances to the cars. Additionally, the West Contra Costa Transportation Advisory Committee (WCCTAC) passed its budget and made a one time reduction for dues.

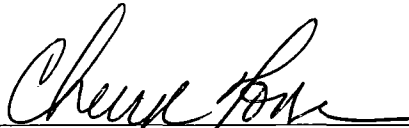
**C.** Councilmember Benassini reported that the Planning Commission took up AT&T wireless DAS boxes which are proposed to be placed on existing utility poles. Fifteen residents from the Seaview neighborhood spoke out against the projects. It was a long and contentious meeting. The Planning Commission voted to approve and move the project forward. Subsequently, an appeal of the Planning Commission's decision was filed. The Financial Advisory Board (FAB) met and reviewed the City's investment report and the accounting and control policies. The FAB is planning to do additional research on the reserve policy in the future.

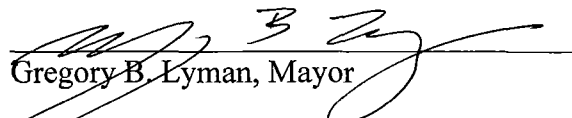
**D.** Councilmember Bridges summarized comments received at the Parks and Recreation Commission when they considered the Busby property and the action the Commission took in approving a recommendation. Councilmember Bridges confirmed with staff that the West Contra Costa Unified School District Joint Powers Agreement (JPA) is still being negotiated. At the Tom Bates Regional Field Joint Powers Authority meeting the group learned that repair work on artificial turf will be evaluated to see if it can be done under warranty. Additionally, a survey has been completed regarding what is being charged at neighboring cities for field use, including adult vs. youth and synthetic vs. grass. Member cities will need to contribute to the JPA in 2015-16. A fee increase is anticipated in the future for users. The Design Review Board did not meet.

**E.** Councilmember Friedman – No report.

**9. ADJOURNED SPECIAL CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY AND PENSION TRUST BOARD MEETING** at 10:03 p.m.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Special City Council and Special Concurrent City Council / Public Financing Authority and Pension Trust Board meeting of July 16, 2013 as approved by the El Cerrito City Council.

  
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Cheryl Morse, City Clerk

  
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Gregory B. Lyman, Mayor

