

EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL MEETING
Tuesday, December 17, 2013 – 7:00 p.m.
City Council Chambers

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

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson

7:00 p.m.

CONVENE CITY COUNCIL MEETING

Mayor Abelson convened the City Council meeting at 7:03 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Lyman reminded all that the Chung Mei Heritage Day will be celebrated at City Hall on December 18, 2013. The event is sponsored by the El Cerrito Historical Society in recognition of the Chung Mei Home for Boy's listing on the National Register of Historic Places. On January 20, 2014, the City will be celebrating the 25th Anniversary of the Martin Luther King Jr. Parade and Celebration in the City of El Cerrito. The Human Relations Commission is hosting the event. The parade begins at the DMW parking lot at 9:30 a.m. and will conclude at the El Cerrito Performing Arts Center where there will be a program and rally.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Tom Panas, El Cerrito, expressed support for the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing (Agenda Item No. 5(D)). Mr. Panas stated that although he had initially opposed extension of the ENRA he now supports the project because it now honors the historic resource on the site. Mr. Panas thanked the staff, Eden Housing and its architects, the Planning Commission, the Design Review Board, and the Japanese American Citizens League for their thoughtful collaboration on the project.

4. PRESENTATIONS

A. Update on Crime Trends in El Cerrito – Presentation by Sylvia Moir, Police Chief.

Presenter: Sylvia Moir, Police Chief and Samantha Wendling, Administrative Analyst.

Action: Received presentation.

B. Pacific Gas & Electric Company Update on Natural Gas Pipeline Testing in El Cerrito and the El Cerrito Substation Rebuild Project – *Presentation by Roxanne Cruz, Public Affairs, Pacific Gas & Electric Company.*

Presenters: Brian Daubin, Director, Gas Transmission and Distribution Department, Pacific Gas & Electric Co., Randy Franks, Project Manager of Substation G Rebuild, Pacific Gas & Electric Co., and Rory Dimick, Customer Outreach Specialist, Pacific Gas & Electric Co.

Action: Received presentation.

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

Moved, seconded (Lyman/Friedman) and carried unanimously to adopt Consent Calendar Item Nos. 5A and 5C through 5E in one motion as indicated below. Item No. 5B was removed from the Consent Calendar at the request of Councilmember Lyman and voted on separately as indicated below.

A. Minutes for Approval

Approve the December 3, 2013 Special City Council Closed Session and Regular City Council meeting minutes.

Action: Approved December 3, 2013 minutes.

B. Amendment of El Cerrito Municipal Code Chapter 11.64 - Bicycles

Adopt by title and waive any further reading of an ordinance amending specified sections within El Cerrito Municipal Code Chapter 11.64. Sections pertaining to the licensing and inspection of bicycles have been repealed. Rules of the Road have been updated. Sections requiring the wearing of helmets have been repealed as this is appropriately covered under State Law. *Exempt from CEQA. First reading November 19, 2013. Vote with amendments: Unanimous.*

Speaker: Gary Hill, El Cerrito, stated that the ordinance could be misinterpreted by a variety of riders. Mr. Hill specifically submitted suggested changes to El Cerrito Municipal Code Sections 11.64.020(C) and (D) and 11.64.040(E). Mr. Hill stated that he is a member of the Parks and Recreation Commission and a coach for the El Cerrito High School Mountain Bike Team and emphasized the importance of safety in bike riding, recognized the Police Department for all of its safety efforts, and asked that certain provisions of state law be incorporated into the ordinance by reference. Mr. Hill also advocated for a bike park and stated that he is pleased to talk with Chief Moir about his suggested changes.

Action: Removed from the consent calendar at the request of Councilmember Lyman. Moved, seconded (Friedman/Bridges) and carried unanimously to hold consideration of the ordinance over to a future meeting pending discussion between the police department and Mr. Hill regarding Mr. Hill's concerns, suggested changes and additional input from the community.

C. Pool Heaters Replacement

Adopt a resolution authorizing the City Manager to enter into an agreement with Knorr Systems in an amount not to exceed \$120,000 (with contingencies) to purchase and install one Lochinvar Aquas Model XPN1520 heater and one Lochinvar Aquas Model XPN801 heater to replace the existing heaters on each pool at the El Cerrito Swim Center.

Action: Adopted Resolution No. 2013-70.

D. Extension of Eden Exclusive Negotiating Rights Agreement

Adopt a resolution authorizing the City Manager to extend the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing, Inc. (Developer) for negotiation of a Disposition and Development Agreement (DDA) of an affordable housing project at 10848-10860 San Pablo Avenue to July 1, 2014. *Extension of the ENRA is not a project under CEQA; an Environmental Impact Report has been prepared for the Eden Housing project and will be considered by the Planning Commission on December 18, 2013.*

Action: Adopted Resolution No. 2013-71.

E. Extension of Current Terms of Members of the Planning Commission and Design Review Board

Adopt a resolution interpreting Section 2.04.220 of the El Cerrito Municipal Code to permit the extension of the terms of members of the Planning Commission and Design Review Board to maintain the full membership of those bodies during a gap period that will occur as a result of recent amendments to the Municipal Code. The resolution would also extend the terms of specific members of the Planning Commission and Design Review Board.

Action: Adopted Resolution No. 2013-72.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

Fiscal Year 2013-14 Budget Update

Receive a presentation that will provide the City Council and the public with: 1) An update on preliminary year-end actuals for Fiscal Year 2012-13 that ended on June 30, 2013; 2) An update on city revenues and expenditures for the first quarter of Fiscal Year 2013-14; and 3) An overview and discussion of next steps related to the city budget.

Presenter: Lisa Malek-Zadeh, Finance Director. Ms. Malek-Zadeh provided an update on the current status of the City's revenues and expenditures, the City's reserves, challenges ahead and the planning process for Fiscal Year 2014-15.

Action: Received presentation. Discussion held.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS – *Held over from the meeting of December 3, 2013.*

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports.

Councilmember Bridges reported that the Design Review Board (DRB) conducted a public hearing on December 4, 2013 to consider a three unit condominium project proposed for 938 Kearney Street. On December 11, the Park and Recreation Commission received a presentation from Yvetteh Ortiz, Public Works Director regarding reorganization of certain functions into a new Environmental Services and Operations Division, including the promotion of Garth Schultz as Manager of the Division. The Commission also discussed a letter in support of the City's application for the Environmental Solutions for Communities Grant Program and thanked outgoing commissioner Margo Takemiya for her eight years of service on the commission. On November 20, the Tom Bates/Gilman Sports Fields Joint Powers Authority (JPA) discussed a proposal to increase user fees 10-20 percent. A 10 percent user fee increase was approved by the JPA and will go to the Berkeley Parks and Recreation Commission for discussion prior to consideration by the Berkeley City Council. Forty to fifty coaches, children and users attended the JPA meeting to express opposition to a fee increase. The fee primarily covers replacement of the turf.

Mayor Pro Tem Benassini reported that the Planning Commission convened a San Pablo Avenue Specific Plan study session on December 4. No action was taken.

Mayor Abelson stated that the West Contra Costa Transportation Advisory Committee (WCCTAC) is finalizing its relationship with CalPERS and is in the final stages of hiring a

permanent executive director.

Councilmember Lyman reported that the West County Integrated Waste Management Authority (WCIMA) is continuing to evaluate the future of the Joint Powers Authority (JPA). There is a tremendous push by some cities to refine the language for leaving the JPA. The JPA decided that it was premature to focus on withdrawal language until more is known about waste characterization and how future rates will be determined. At least one city is pushing to have the withdrawal language considered out of order. The issue is charged because there is potentially \$3 million dollars available upon dissolution that can be divided amongst the cities and the County. The structure that El Cerrito residents have been paying for the recycling material processing facility and taking materials out of the service area allows for El Cerrito to claim some of the funds. Part of the agreement that was entered into over twenty years ago that will end very soon, is for a structure that the city paid for. The City's share could be a little over \$100,000.

On November 21, the West Contra Costa Mayors and Supervisors Association (WCMA) received a presentation on Proposition 13 reform. The reform measure proposes changing how property is assessed for large commercial properties like Chevron and Disneyland. Presentations were made by representatives from both sides of the issue. Evolve.org advocated reform and the executive director of the Contra Costa Taxpayers Association discussed why Proposition 13 is important. A large number of speakers attended the meeting.

The Tree Committee is working on how to protect street trees, especially in commercial properties. The Committee is developing policies regarding how property owners can solicit tree pruning and how commercial properties along San Pablo Avenue should request street tree pruning. Councilmember Lyman also attended the East Bay Green Corridor meeting. Members include the cities of Hayward all the way north to San Pablo and UC Berkeley. The East Bay Green Corridor Group is looking at opportunities for regional implementation of a bike share program or car charging stations. Both BART stations in El Cerrito might be good locations for these programs. As alternate to the Association of Bay Area Governments (ABAG) Executive Committee, Councilmember Lyman reported that Julie Pearce was confirmed as president. The Committee received a presentation on the Grand Boulevard/El Camino Real project that runs through Santa Clara and San Mateo Counties. The planning document includes measures to rejuvenate the Grand Blvd. that would relate directly to San Pablo Avenue. The ABAG Executive Committee also discussed the cap and trade program. ABAG and the Metropolitan Transportation Commission may become the recipients of a large amount of money resulting from the sale of cap and trade carbon emissions. Much discussion occurred regarding potential revenues and how funds should be distributed. It is expected to be \$10 billion dollars. El Cerrito, for many reasons, could compete for the funds and become a potential recipient of some of the funds.

Councilmember Friedman reported on his attendance at the East Bay Development Alliance meeting. The Alliance received an interesting presentation from the Bayer Company in West Berkeley. Bayer has a groundbreaking academy that works in conjunction with public schools to train young people in the biotech industry.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:53 p.m.

SUPPLEMENTAL COMMUNICATIONS

Item No. 4(A) Update on Crime Trends in El Cerrito

1. Powerpoint presentation – *Submitted by Sylvia Moir, Police Chief.*

Item No. 4(B) Pacific Gas & Electric Company Update on Natural Gas Pipeline Testing in El Cerrito and the El Cerrito Substation Rebuild Project

2. Powerpoint presentation – *Submitted by Roxanne Cruz, Public Affairs, Pacific Gas and Electric Company.*

Amendment of El Cerrito Municipal Code Chapter 11.64 – Bicycles

3. Proposed revisions to ECMC Sections 11.64.020 and 11.64.040(E)

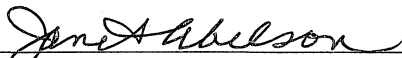
Item No. 5(D) Extension of Eden Exclusive Negotiating Rights Agreement

4. Comments in support of the project – *Submitted by Tom Panas.*

This is to certify that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of December 17, 2013 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Janet Abelson, Mayor