

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, December 16, 2014 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Jan Bridges

Councilmember Janet Abelson
Councilmember Gabriel Quinto

ROLL CALL

Councilmembers Abelson, Bridges, Lyman, Quinto and Mayor Friedman.

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Friedman convened the regular City Council meeting at 7:00 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Councilmember Bridges.
2. **COUNCIL / STAFF COMMUNICATIONS** – *None*
3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Maria Sahagun, Richmond, stated that she was representing the Doctors Medical Center Committee (DCAC) comprised of doctors, nurses and community members who are working together to avert the closure of Doctors Hospital and the West Contra Costa County Healthcare District. Ms. Sahagun stated that the groups were able to secure significant money from the state, get the Richmond City Council to reallocate the community benefits agreement from Chevron and is fighting to keep Doctors Hospital open. The hospital serves 250,000 people, is the only cardiac center between Vallejo and Oakland and handles most of the trauma in West County. Ms. Sahagun distributed a draft resolution to the City Council and asked them to consider supporting the “5 by 8” Shared Commitment Plan with options set forth by DMC to provide full service hospital services to residents of El Cerrito and to all residents of West Contra Costa County. Ms. Sahagun also spoke in support of Consent Calendar Item No. 5(B), the Human Rights Month Proclamation.

Howdy Goudey, El Cerrito, distributed comments regarding the Regional Water Quality Control Board’s review of the stormwater management plan and condo proposal for 1715 Elm Street. Mr. Goudey stated that there are still details to be worked out to make 1715 Elm a better project. Placing the building so close to the creek is ill advised and is detrimental to the built environment as well as the natural environment. Mr. Goudey stated that it is his hope that negotiations will include a discussion of ways to widen the creek corridor.

Al Miller, El Cerrito, acknowledged the work of those who put together the Sundar Shadi Holiday Display on Moeser and SeaView and noted that it brings great enjoyment to those who come to see it and is a great community building project. Mr. Miller invited everyone to help disassemble the site on December 27 at 10:00 a.m. when it is put away for the year.

Donald Hawks, El Cerrito, expressed concerns about the storm drain at 500 Sea View Avenue. The storm drain overflows and causes a problem for the residents. It may result in an insurance problem for the City. Mr. Hawks also expressed concerns about advertising city services to other cities as he has found several city brochures in the trash in Berkeley.

Tom Panas, El Cerrito, encouraged all to visit the employee art exhibit at City Hall. It shows another side of city employees.

4. PRESENTATION

A. Design Review Board Work Plan – *Presentation by Margaret Leighly, Chair of the Design Review Board.*

Receive a presentation regarding the Design Review Board's accomplishments, goals and workplan.

Action: Received presentation.

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

Moved, seconded (Bridges/Lyman) and carried unanimously to approve Consent Calendar Item Nos. 5A through 5E in one motion as indicated below.

A. Minutes for Approval

Approve the December 2, 2014 City Council regular meeting minutes.

Action: Approved minutes.

B. Proclamation Declaring December 2014 as Human Rights Month

At the request of the Human Relations Commission, approve a proclamation declaring December 2014 as Human Rights Month in the City of El Cerrito and encouraging all residents to study and promote the ideas contained in the Universal Declaration of Human Rights to the end that freedom, justice and equality will flourish and be made available to all.

Action: Approved proclamation.

C. Delegation of Authority to Execute California Department of Transportation (Caltrans) Documents to Receive Federal Funding

Adopt a resolution authorizing the City Manager and the Public Works Director/City Engineer to execute all Disadvantaged Business Enterprise (DBE) Agreements, Right-of-Way Certifications, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and any amendments thereto with the California Department of Transportation. *Exempt from CEQA.*

Action: Adopted Resolution No. 2014-77.

D. Reclassification in Aquatics Division of the Recreation Department

Adopt a resolution approving the reclassification of the Community Services Coordinator position in the Aquatics Division of the Recreation Department to Assistant Program Supervisor.

Action: Adopted Resolution No. 2014-78.

E. Quarterly Investment Report

Receive and file the City's Quarterly Investment Report for the period ending September 30,

2014.

Action: Received and filed.

6. PUBLIC HEARINGS

A. Join the Marin Clean Energy Joint Powers Authority and Implement a Community Choice Aggregation Program in El Cerrito

Conduct a public hearing and upon conclusion: 1) Adopt a resolution requesting membership in the Marin Clean Energy (MCE) Joint Powers Authority (JPA) and authorizing the City Manager to execute the JPA Agreement with MCE; and 2) Introduce by title, waive any further reading and approve an ordinance authorizing the implementation of a Community Choice Aggregation Program, approving the MCE JPA Agreement, and authorizing the City Manager to execute the JPA Agreement with MCE.

Presenter: Maria Sanders, Interim Environmental Services and Operations Division Manager.

Mayor Friedman opened the public hearing. 9 speakers.

Speakers: Al Miller, El Cerrito, expressed his support for joining the MCE JPA and stated that he wished to be associated with comments submitted by Howdy Goudey that were included in the agenda ePacket. Mr. Miller asked the City Council to discuss risks associated with participation in the JPA prior to voting.

Mark Miner, El Cerrito, Environmental Quality Committee Chair (EQC), stated that the EQC has been following community choice aggregation before MCE went live in 2010 and has studied, endorsed and advocated community choice aggregation. This will be the lynchpin for achieving climate action plan goals in El Cerrito. Benefits include providing choice to consumers, competition in the marketplace, local renewable resources and innovation in energy efficiency programs. Mr. Miner said it would be nice to have people realize that spending the additional penny per kilowatt will be really great.

Tom Panas, El Cerrito, thanked staff and MCE for their hard work in putting the materials together for the City Council's consideration and also thanked the City Council for directing staff to move forward aggressively to take advantage of this opportunity. Mr. Panas urged the City Council to adopt the resolution and said that he is looking forward to joining the program and supplying the energy from his solar panels to the JPA. He also asked whether the City needs to update the Climate Action Plan goals so the City has a new goal to which it can aspire.

David McCoard, El Cerrito, stated that he is excited to enroll in deep green and would love to see solar put on shopping center roof tops. Mr. McCoard noted that he had seen the survey results in the agenda packet and there is overwhelming support for MCE and 80% support for deep green.

Dave Weinstein, El Cerrito, EQC member, stated that he is really glad to see that this project is going and stated that he would like to see the PACE program get going too. Joining MCE will be the most significant thing the City can do to reduce greenhouse gases.

Howdy Goudey, El Cerrito, EQC member, spoke in support of joining MCE and community choice aggregation. It offers residents a democratic choice and express their values in their purchase of electrical power. This is important not only to reduce greenhouse gasses but also to give options and increase choice in the community. Mr. Goudey stated that he looks forward to participating in the outreach and said he hopes El Cerrito will meet Richmond's impressive enrollment and opt-in statistics.

Steve Barton, El Cerrito, stated that he is thrilled that the City is going ahead with the program and providing residents with a public option in the energy field.

Robin Mitchell, El Cerrito, expressed her support for joining MCE and joining the community choice aggregation community. One of the most important features of the program is the democratization of how city residents can get their energy. The City cannot meet its greenhouse goals by relying on an investor owned utility.

Bill Kuhlman, El Cerrito, encouraged the City Council to adopt the resolution and move forward with the MCE Joint Powers Authority agreement. There is a significant population in El Cerrito that is looking for a way to vote with their wallets for sustainable, clean energy.

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

Actions: Moved, seconded (Abelson/Bridges) and carried unanimously to adopt Resolution No. 2014-79.

Moved, seconded (Lyman/Bridges) and carried unanimously to approve Ordinance No. 2015-01. *Second reading scheduled for January 6, 2015.*

B. Approval of Various Zoning Ordinance Text Amendments

Conduct a public hearing and upon conclusion introduce by title, waive any further reading and approve an ordinance containing various changes to El Cerrito Municipal Code Chapters 19.06, 19.07, 19.46 and 19.47.

Presenter: Margaret Kavanaugh-Lynch, Development Services Manager.

Mayor Friedman opened the public hearing. No speakers.

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

Action: Moved, seconded (Lyman/Bridges) and carried unanimously to approve Ordinance No. 2015-02. *Second reading scheduled for January 6, 2015.*

7. POLICY MATTERS

A. Draft 2015-2023 Housing Element Update

Receive a staff presentation pertaining to the Draft 2015-2023 Housing Element, provide comments on the Draft Housing Element and authorize submittal of the Draft Housing Element to the State Department of Housing and Community Development (HCD) for State-level review as required pursuant to California Government Code Section 65300.

Presenter: Hilde Myall, Senior Housing Program Manager.

Speakers: Howdy Goudey, El Cerrito, complemented staff on a very sound plan and asked how the plan will be used and guided locally. There needs to be a public process to provide opportunities to introduce, discuss and debate the important measures that are being considered. Items that should get attention and good discussion would focus on greenhouse gasses in new construction and new developments investing in conservation easements for agriculture and open space.

Tom Panas, El Cerrito, stated that he appreciated staff's efforts and outreach on the Housing Element. Mr. Panas said he would like to see the Housing Element say that El Cerrito will strive to provide as many housing units for people with developmental disabilities as our local and regional bodies identify as likely living in El Cerrito.

Steve Barton, El Cerrito, remarked that he appreciated the good values the Council has been working with city staff on. The Bay Area, including El Cerrito is an extremely high rent area because of the incredible imbalance between supply and demand. Rents are double the United States average. Low income tenants have been hit incredibly hard due to increasing income inequality and this is completely unfair. It is essential for the City to do everything it

can to develop additional long term affordable housing. The eviction for just cause measure is a small step but is very important.

Bill Kuhlman, El Cerrito, Planning Commission, reported that the Planning Commission had considered the draft Housing Element at its last meeting and made a recommendation to forward the draft Housing Element on to the state for review and comment and move forward with the process. Mr. Kuhlman highlighted the following five policy issues that resulted from public input: 1) One third of the City's inventory of affordable housing is at risk of conversion to market rate housing in approximately 2019-2020. This is described in Appendix B of the report; 2) The policy proposal to adopt an eviction for cause ordinance has great potential for misunderstanding and hyperbole. It is important to take up the issue and adopt an ordinance. It is important to engage people in El Cerrito that are advocates for tenant rights and are experienced and knowledgeable landlords to craft the best ordinance; 3) The policy to encourage and facilitate the construction of secondary accessory units represents low hanging fruit. It's a great opportunity to expand the inventory of available affordable housing. Everything should be done to promote the policy and move it forward; 4) Regarding Policy 1.1 encouraging neighborhood preservation, the Commission heard from a resident who advocated architectural design standards in the review process; and 5) New policies aimed at providing special needs housing deserve all the creative energy that can be mustered to find solutions and drive this type of development. Mr. Kuhlman concluded by saying the City has done an excellent job of providing solutions for affordable housing. The City doesn't just have a plan, it is moving dirt and steel and is delivering on its promise of affordable housing.

Robin Mitchell, El Cerrito, stated that just cause eviction regulations are important to have and it is also important to let tenants know they have recourse.

Action: Moved, seconded (Lyman/Bridges) and carried unanimously to provide guidance to staff to submit a revised Draft 2015-2023 Housing Element Update with the following changes:

- 1) Modify Policy H3.5 to read, "Encourage the development of housing accessible to people with disabilities, including developmental disabilities, to match the numbers established by local and regional entities" (See page 106);
- 2) Modify Program H1.5 Eviction for Good Cause Ordinance to read, "The City shall vet and consider adopting a Good Cause for Eviction Ordinance that would prohibit landlords from terminating tenancy without good or just cause." (See page 110);
- 3) Modify Table A4 - Potential Sites to reinstate line 67 and explain that the property has been purchased for open space; and
- 4) Incorporate the changes recommended by the Planning Commission as identified in redlined changes contained in Attachment 3 to this evening's staff report, specifically changes to pages 13-14, Section I.E.2 Housing Needs Survey and pages 15-17, Section II.B.a Historical, Existing, and Forecast Growth.

B. Annual Council Liaison Reorganization and Appointments

Discuss appointment of City Council members to regional bodies and local boards commissions and committees and approve appointments for 2015.

Action: The City Council, by mutual consensus, agreed with the change in appointments for 2015. Mayor Friedman noted that one of Councilmember Abelson's appointments would be modified due to a scheduling conflict prior to the next City Council meeting.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Mayor Pro Tem Lyman reported that he attended the last Association of Bay Area Government (ABAG) meeting as an Contra Costa Mayors Conference appointed alternate board member. ABAG is actively starting its revision to *Plan Bay Area* and is thinking of having county meetings with delegates from each of the nineteen cities to receive input on the plan. ABAG wants to come to council meetings to inform cities about the services ABAG provides and also inform cities about the *Plan Bay Area* update.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:46 p.m.

SUPPLEMENTAL COMMUNICATIONS AND COMMUNICATIONS

Item No. 6(A) Join the Marin Clean Energy Joint Powers Authority and Implement a Community Choice Aggregation Program in El Cerrito

1. Comments in support of joining Marin Clean Energy – *Submitted by Ian Bennett, El Cerrito.*

2. Comments in support of joining Marin Clean Energy – *Submitted by Jeannie Pham, El Cerrito.*

3. Results from responses on the Open El Cerrito On-Line Forum – *Submitted by Maria Sanders, Interim Environmental Services and Operations Division Manager.*

Item No. 7(A) Draft 2015-2023 Housing Element Update

4. Powerpoint presentation – *Submitted by Hilde Myall, Senior Housing Project Manager.*

5. Request for inclusion of an eviction for good cause ordinance in the housing element as a way to protect affordable housing – *Submitted by Theresa Karr, Executive Director, California Association of Realtors – Contra Costa Napa Solano Division.*

6. Housing units for people with developmental disabilities - *Submitted by Tom Panas, El Cerrito.*

7. Comments on the Bay Area crises in affordable rental housing and the El Cerrito Housing Element – *Submitted by Stephen Barton, El Cerrito.*

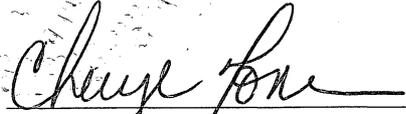
Other:

8. Draft resolution in support of the proposed “5 by 8” shared commitment plan with options to keep Doctors Medical Center Open and restore emergency department services and provide health care services to residents of El Cerrito and to all residents of West Contra Costa County – *Submitted by Maria Sahagun, Richmond.*

9. Comments regarding the Regional Water Quality Control Board’s questions pertaining to the 1715 Elm Condo Project stormwater management plan and the City’s creeks ordinance – *Submitted by Howdy Goudey, El Cerrito.*

10. Government by Emotion – *Submitted by Donald Hawks, El Cerrito.*

This is to certify that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of December 16, 2014 as approved by the El Cerrito City Council.


Cheryl Morse, City Clerk


Mark Friedman, Mayor