CITY OF EL CERRITO

MINUTES
Tuesday, January 2, 2007

SPECIAL CITY COUNCIL MEETING

CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

SPECIAL CLOSED SESSION CITY COUNCIL MEETING AFTER REGULAR MEETING

Meeting Location
Council Chambers, Community Center
7007 Moeser Lane, El Cerrito

ROLL CALL
Councilmembers/Agency members: Abelson (Agency Chair), Bridges, Jones, Potter, and Mayor Moore

All members were present.

5:00 p.m. CONVENE SPECIAL MEETING
Mayor Moore convened the special meeting at 5:05 p.m.

INTERVIEWS OF APPLICANTS FOR COMMISSION AND BOARD VACANCIES
The City Council will conduct interviews of applicants for City Commissions. Interviews may result in an announcement of appointment at the meeting.

Action: The City Council conducted several interviews resulting in the re-appointment of Margaret Kavanaugh-Lynch and an appointment of Ann Cheng to the Planning Commission.

ADJOURN SPECIAL MEETING
The special meeting was adjourned at 7:37 p.m.

7:30 p.m. CONVENE CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Mayor Moore convened the concurrent City Council/Redevelopment Agency meeting at 7:42 p.m.

1. Pledge of Allegiance To The Flag was led by Mayor Pro Tem Jones
2. **Council/Staff Communications/Announcements** (Informational reports on matters of general interest by Council & Staff.)

Mayor Moore announced the re-appointment of Margaret Kavanaugh-Lynch and appointment of Ann Cheng to the Planning Commission.

Councilmember Bridges invited the community to attend the annual Martin Luther King, Jr. parade and celebration on January 15, 2007. This parade, sponsored by the City’s Human Relations Commission, is the longest continuous event honoring Dr. King in the state of California.

3. **Presentations**

**Presentation of Results by Godbe Research of the Citizen Survey Related to Potential Future Tax Initiatives**

City Manager Hanin introduced the presentation and summarized the purpose of the survey. The survey polled residents regarding support for a sales or parcel tax to achieve four principal unfunded capital needs: street repair and rehabilitation; library, senior center and a new public safety building. City Manager Hanin requested direction from the City Council, as part of this evening’s discussion, as to how to proceed and whether to go forward with an options analysis and schedule.

Brian Godbe, Principal of Godbe Research, stated that the survey was conducted in late fall, and outlined the objectives of the study and summarized results. Research objectives were defined as: 1) Determine likely voter support for a sales tax and parcel tax; 2) Determine the tax threshold level at which voters will support the taxes; 3) Identify key projects and statements that resonate with the voters; and 4) Conclusions. Mr. Godbe explained that there was a separate sample for the sales tax and a separate sample for the parcel tax for the first ballot test. Data for the first ballot test shows strong support, 76%, for a sales tax and 66% for a parcel tax. Mr. Godbe explained the results for both positive and negative arguments. Support for negative arguments was not dramatic.

Results for support of a parcel tax was slightly less than support for sales tax perhaps due to the specific dollar amount association with the sales tax. Mr. Godbe described the advantages and disadvantages of determining the amount and duration of a parcel tax.

Results and differences in demographic groups of the final ballot test for a parcel and sales tax were summarized. The final ballot test for parcel and sales tax slipped a bit. The parcel tax yielded 62% support and the sales tax yielded 74% support. Mr. Godbe then presented the Voter Universe analysis. Results show a 91% turnout for a November 2008 election with 62% supporting a parcel tax and 74% supporting a sales tax, 42% turn out likely for a Spring 2007 election with 59% support for a parcel tax 74% support for a sales tax; and 46% turnout in a likely Fall 2007 election with 60% support for a parcel tax and 74% for a sales tax.

Mayor Moore asked Mr. Godbe how he projected turnout for the Voter Universe Analysis and how the data is extrapolated to the parcel and sales tax data.
Mr. Godbe stated that the data is based on a variety of algorithms used which vary from election to election. It is a combination of past voting behavior and registration date. The analysis is cross-tabulated with data based on a showing of whether an individual voted. This information is supplied by the County. The County keeps track of not only who is registered but also who votes in each election.

Mayor Moore summarized that the voter universe analysis is based on who is most likely to vote in elections.

Mr. Godbe ended his presentation by offering strategies for placement of a measure on the ballot and summarized conclusions of his study in the following way: Conclusions 1-A) Results show support for a sales tax or a parcel tax measure if it were placed on the ballot – stronger for a sales tax; B) If El Cerrito does decide to place the measure on the ballot, then the ballot statement should be revised to reflect the survey results and use the top testing programs/features and substantial communications should be run by an independent campaign committee to maximize success. Conclusions 2 – A) Key funding areas with the greatest impact on likely voting behavior include: Sales Tax – repairing potholes, major roads and neighborhood streets; and Parcel Tax – repairing potholes, neighborhood streets and major roads; Conclusions III – Top positive arguments overall: A) Sales Tax: establishing a public safety command center in the event of an emergency or earthquake; in five years the average ratings for streets will drop from fair to poor if the roads are not maintained; and the new library will be a safe place for children and teenagers to go after school; B) Parcel Tax: the measure will help maintain emergency response times for public safety services, the measure is needed to make sure there is a public safety command center in an emergency or earthquake; and an independent citizen’s oversight committee will provide financial oversight to ensure proper spending of taxpayer money.

Councilmember Potter asked for clarification regarding margins of error, specifically how percentages are calculated?

Mr. Godbe explained that the margin of error is in the sample when the interviewing takes place not so much the success of the measure. It is a snapshot. Conclusions are based on experience and are not done based on the margin of error.

Councilmember Bridges asked for insights as to why the Senior Center did not poll higher.

Mr. Godbe queried that a determination may have been made that the need or benefits of a senior center weighed against having a fixed income and having to pay for a Center.

Councilmember Abelson questioned the phrasing of libraries in the survey and asked if phrasing the library question in an alternative way would have polled better.

Mr. Godbe stated that libraries may be experiencing a pause in support within the last year and a half due to competition with the internet. The public wants information fast and going to the library for information after work is inconvenient for most Californians.
City Manager Hanin stated that although El Cerrito's recent vote in favor of libraries may have been one of the highest votes in the County it was significantly lower than it had been in the past and may be experiencing a fall off.

Councilmember Bridges stated her belief that the question regarding a reading room for children was a skewed question. She noted that the results for teenage use and increased hours although positive was interesting and that the polling for expanded hours was negative.

Mr. Godbe agreed that the results for expanded hours was interesting and reiterated that there appears to be a pause in library support. He noted that a more positive response was attributed to computers and electronic access to information.

City Manager Hanin added that perhaps survey respondents did not want additional hours in the existing library.

Jan Bridges commented that the public safety results were also interesting.

Mr. Godbe differentiated between a perception of having police on streets when you need them versus wanting more money for evidence lockers.

Mayor Pro Tem Jones asked Mr. Godbe about how much support there would be for a sales tax greater than a half cent.

Mr. Godbe stated that there would still be 2/3 support or more but was not sure whether a city could do a .75 sales tax.

Mayor Pro Tem Jones asked about support for a public safety building.

Mr. Godbe stated that emergency and disaster always test well but everyday things don’t have a strong connection and do not do well.

Al Miller, 625 Ashbury Ave., expressed his concern with how questions are framed particularly regarding the library and senior center. As a participant in the survey, he commended the surveyors and said they did a good job.

Mayor Moore asked the Council if they had any direction for staff.

Mayor Pro Tem Jones stated that he looks at this discussion as more than just a tax but a plan to go forward to implement and complete construction plans for capital improvements in the context of defined priorities with defined revenue resources and educated timelines for the city’s infrastructure. The City has plans and studies in place to go forward. Considerations for projects are streets, library, senior center, public safety, and park improvements have been consistently identified as priorities by several Councils and commissions in the past and as recently as the last election with all four candidates endorsing the projects in one form or another. Mayor Pro Tem Jones suggested that staff identify
revenue stream options to pay for priority project, requirements and a timeline to institute revenue streams and report back to Council at the first meeting in February. Within 60 days, report to Council on an estimated timeline and steps required for development and implementation for priority projects. The 60 day report should also outline possible internal and external conditions, events, procedures, and issues that may affect the timeline or priorities for development and implementation. Mayor Pro Tem Jones further suggested that Council and staff hold a series of community meetings to present capital program proposals and receive constructive comments, opinions and input. The series of meetings should not take more than six weeks to complete.

Mayor Pro Tem Jones further stated that there are several funding strategies that could be explored. Last year he introduced the idea of an increase in the sales tax to fund street surface repair. He stated that this is still a very viable and logical funding resource for some of the city’s needs and that he will be supporting this method as one of the revenue streams that can be used for capital improvements. As part of the capital needs program, Mayor Pro Tem Jones stated that he supports the creation and funding of an on-going "Life Cycle" maintenance fund for long term, on-going major capital maintenance needs such as HVAC replacement, roof repair and replacement, irrigation line repair and replacement, swimming pool heating and plumbing systems, and other similar high priced items that will be needed in future years.

Mayor Pro Tem Jones concluded by stating that as ambitious as the current capital development and improvement program may seem, it is not the biggest financed public capital improvement effort in the history of El Cerrito. In the past twenty-five years the City developed and constructed: a swim center; park system and amenities; joint development o" athletic fields with Richmond, construction of the current public safety building; recycling center; library and senior center; initiation of a formal but optional program to finance undergrounding of utility lines; and connection of Moeser with the Arlington and other projects. In the past, El Cerrito found the financial resources, leadership and community will to undertake and develop improvements necessary to sustain a quality of life that a growing community demanded. Mayor Pro Tem Jones declared that it is time to move forward and renew the community in the same manner and for the same reasons.

Councilmember Potter asked the Council if direction to staff should focus on a parcel or sales tax and asked the Council if it wished to have a dialog on responding to the Godbe study recommendations in the context of upcoming budget considerations and the annual capital improvement plan. Councilmember Potter added that although the streets are important and need to be at the top of the list she would like any revenue stream placed on the ballot to be flexible enough to accommodate other projects.

Councilmember Bridges stated that she was inclined to move forward on the parcel and sales tax.

Councilmember Abelson stated that the survey results reflected today’s data and questioned whether the survey results would be good in 6 months. She suggested obtaining more information and was interested in knowing the level of street improvements the tax would provide. Councilmember Abelson would like to know the cost of street improvements and maintenance and at what level of improvement the City would be at and whether there would be additional money left for other projects.
Mayor Moore stated that she was ready to move forward and that the Council was probably ready to move forward. The Mayor asked staff to return to Council and provide information and a program for moving forward in both the short and long term. The Mayor further stated that the Council is interested in capital improvement of City streets to a level that is adequate and satisfactory and that information is also needed for the library, senior center and public safety. Mayor Moore asked whether staff needed Council to make a choice about a particular capital improvement or whether staff needed to hear that Council wanted to move forward.

City Manager Hanin stated that given the magnitude of the street program, if Council chose the parcel tax, 100 per cent of the tax would fund initial street repair and maintenance and there wouldn’t be money left for anything else. On the sales tax there is more flexibility to make a significant improvement on streets and have money left over for something else. The costs are approximately $15-20 million for streets, probably $20 million for a public safety building, and $15-20 million for a library and senior center. Mr. Hanin added that the City’s 10 year plan anticipates growth in the general fund and in sales increments and that this could also be used to fund street maintenance.

Mayor Moore stated that the City needs to grow into the future with improved facilities and increased maintenance costs and asked if the City was prepared to make a commitment to put money into street repair and maintain it with a dedicated revenue stream for the long term.

Councilmember Potter inquired as to the duration of the parcel tax and stated that she was committed to a dedicated revenue stream for long term maintenance of streets.

Councilmember Abelson stated that she needed to see the numbers for a street program and an analysis of what the money would provide and asked whether the Council wanted a parcel tax or sales tax.

Mayor Moore provided direction to staff to return to Council with the level of funding required to repair and maintain streets and identify streets as a priority.

4. Oral Communication from the Public

Peter Loubal, 6502 Morris Avenue, provided statements on the Economic Strategy presented at the December 18, 2006 meeting and missed opportunities with recent development projects.

5. Adoption Of The Consent Calendar – Item 5

It was moved, seconded, carried (Potter/Abelson) to adopt item 5 on the consent calendar.

Vote: Unanimous

Windrush School Master Plan Update Use Permit Amendment Environmental Review – Request for Funding and Award of Contract

Adopt Resolution 2007-01 awarding the contract to consultant, LSA Associates, for completion of the Windrush School Master Plan Update Use Permit Amendment Environmental Review.

Action: Adopted Resolution 2007-01. Vote: Unanimous
6. POLICY MATTERS

CITY COUNCIL ITEMS

A. Memorandum of Understanding between the City and the International Association of Fire Fighters Local 1230

Adopt Resolution 2007-02 approving a Memorandum of Understanding between the City and the International Association of Fire Fighters Local 1230 specifying compensation, benefits and working conditions. (ACTION: Adopt)

Sandy Chapek, Employee Services Manager, highlighted various terms of the agreement and stated that Local 1230 was pleased with the agreement. The City’s goal was to cap medical expenses. The Union’s goal was to obtain some contribution toward coverage for medical retirement. The City is pleased to have negotiated cooperatively with Local 1230 in reaching this positive agreement which is in effect through 2012.

Mayor Pro Tem Jones stated that all classifications in the agreement are brought up to a median level. He agreed that this long term agreement serves the city and firefighters well.

Councilmembers Potter, Bridges and Abelson thanked Ms. Chapek and City Manager Hanin for their accomplishment on the negotiation and labor agreement.

Action: Moved, seconded, carried (Jones/Abelson) to adopt Resolution 2007-02. Vote: Unanimous

B. Permitting Requirements for Massage Establishments

Adopt first reading of an ordinance amending El Cerrito Municipal Code (ECMC) Title 8 by adding Chapter 8.10 Massage Establishments. (ACTION: Adopt First Reading).

Jennifer Carman, Planning Manager, introduced the Ordinance and provided the Council with the history of community involvement and input and highlighted changes made to the ordinance as a result of this input including allowance of a provisional permit, educational requirements, operating hours and confidentiality. The revised craft reflects the Police Department’s desire to keep closure time at 10:00 pm. The draft ordinance also has a requirement made at the request of the Police Department to log the names and addresses of clients. The revised ordinance also clarifies home occupation standards and permits.

Janet Coleson, City Attorney, read specific language into the record which amends the proposed language for the definition of Massage Establishment in ECMC Section 8.10.010 to provide clarification of intent.

Ms. Carman stated that ADA language was also removed for establishment permits to avoid duplication of building permit process requirements.
Councilmember Abelson questioned language regarding disability in the proposed ECMC Section 8.10.055(B)(16) Discrimination.

Ms. Coleson suggested amendment of ECMC Section 8.10.055(B)(16) to include the word disability along with other exclusions.

Ms. Carman explained that if the ordinance is adopted, staff will bring forward an additional item in the future to amend the Master Fee Schedule.

Mayor Moore sought clarification regarding the proposed ECMC 8.10.050 Off-Premises Massage Permit and 8.10.010 Definitions.

Ms. Carman responded by suggesting that "home occupation" be stricken from the definition of Off Premises Massage Permit in the proposed ECMC 8.10.050.

Michael Regan, Police Commander, explained the justification for including names and addresses of clients in the ordinance, namely to aid the Police Department in an investigation should it receive a complaint.

Councilmember Potter asked if there were other businesses where similar data about clients is collected.

Commander Regan informed the Council that certain businesses are required to keep detailed client data including pawn shops and that names and addresses of massage clients would only be available if the Police Department was conducting an official investigation.

PUBLIC COMMENT

Linda Giddings, 131 Ashbury Ave., stated that she was the sole owner of a massage business named Soothing Touch and that it is her sole source of income. Ms. Giddings stated that there are benefits to massage therapy and that it can make the quality of life better for others. Ms. Giddings stated that the proposed regulations will make it difficult for legitimate practitioners, that the permits are costly and that the educational requirements are more than needed.

Catherine Cesa, 640 Lexington Ave., said she had many of the same concerns expressed by Ms. Giddings. Ms. Cesa only works 10 hours per week and is concerned about training requirements. She stated that she is not sure she can maintain a business anymore and that her clients are concerned that the requirement to keep data would violate Health Information Privacy Act (HIPA) requirements. She also queried how the regulations affect those who rent space from Jenny K.

Susan Dunkan, 1202 King Dr., identified herself as a client of massage therapists and stated that she objects to providing her name and address to therapist. She considers the provision unnecessary and an invasion of her privacy and believes the provision should be deleted from the ordinance.
Al Miller, 625 Ashbury Ave., said that while it was uncomfortable to be on the other side of the Police Department on this issue there needs to be a more compelling reason [to collect the personal data]. Mr. Miller stated that he found the proposed regulations to smack of the onerousness of the Patriot Act on a local level.

Mayor Moore asked staff to address the Jenny K. rental space issue and how it fits under the proposed massage ordinance as well as any information staff could provide on HIPA.

Ms. Carman, replied that Jenny K. is such a unique business model that staff would have to prepare an entirely new ordinance just for her. Jenny K may or may not apply depending on how the ordinance is interpreted. Under a strict interpretation she could be construed as a massage establishment. Since the Police Department will be implementing the ordinance the department will need to work with the City Attorney to determine how the ordinance applies to Jenny K. If the interpretation fell under the Planning Department’s purview, the department could be a bit more lenient since the business model is so unique.

Mayor Moore – suggested that staff figure out and determine how the ordinance applies to Jenny K.

Ms. Coleson stated that the proposed requirement to maintain a roster of client names and addresses is a fairly standard requirement of massage ordinances in other cities. The city would not keep or maintain the roster in the normal course of business. It is something that a lot of police departments find useful when conducting an investigation after receiving a complaint or claim. Ms. Coleson further stated that the requirement is a bone of contention with many. The roster does not contain any health information. She then provided a description of HIPA.

**QUESTIONS FROM THE COUNCIL**

Councilmember Potter asked for more information about the problems the city faces with massage establishments and stated she wants to support health and safety but does not think the ordinance goes far enough in distinguishing between small operators who are trying to make a living and the larger establishments. She asked for an explanation of the issues that the city wants to prevent and a discussion to address these issues.

Ms. Carman explained that there are no regulations relating to massage in El Cerrito other than regulations covering a personal service. El Cerrito is one of the few cities in Contra Costa County that does not have a massage ordinance. There are approximately 9-10 facilities in El Cerrito in addition to the independent operators. This is a larger ratio per population than other cities have who currently have an ordinance in place. The ordinance attempts to address some of the issues that some of the facilities have.

Scott Kirkland, Police Chief, alluded to problems associated with establishments that do not provide professional service and which have required a lot of police time and effort to close down. Chief Kirkland stated that it is difficult to regulate this type of business without an ordinance and that he had initiated the request for staff to craft an ordinance which would address problems.
Councilmember Potter asked if, in crafting the ordinance, staff was able to distinguish a one client business versus a multiple client and service establishment and address problems.

Chief Kirkland replied that the proposed ordinance is difficult to craft but reaches a happy medium and that staff attempted to do what was best for the City.

Councilmember Bridges asked how confidentiality could be protected and how the police could be aided while protecting therapist and client confidentiality.

Chief Kirkland explained that the police department cannot prevent people from providing fictitious names. It is not the intent or desire of the department to review names and addresses, it would only be requested in the event of a criminal investigation.

Councilmember Abelson stated that the intent of the ordinance was never to put small, legitimate operators out of business and asked if the law could be changed to accommodate small operators. Councilmember Abelson also expressed a concern raised by Ms. Giddings that Ms. Giddings was not able to review the revised ordinance until the meeting and whether those affected by the proposed ordinance had had an opportunity to review the ordinance.

Ms. Carman replied by stating that the proposed ordinance was linked on the city's website prior to the November 8, 2006 community meeting and updated as changes were made. Additionally, staff provided interested parties with copies of the proposed ordinance at community meetings and informed the public to check the website for the date when the ordinance would appear on Council's agenda. With the exception of the agenda bill, all information is posted on the web.

Councilmember Abelson asked for clarification on what purpose the roster would fulfill.

Chief Kirkland replied that there is a possibility that some people might not be forthright in providing a name and address when receiving a service however, in an instance where someone does provide accurate information that would be beneficial. Even one person with a lead would help the police department tremendously.

Councilmember Abelson expressed concern about the education requirement and stated that she doesn't see the need for education to act as a barrier for practicing massage.

Ms. Carman explained that the education requirement is quite common. Proposed state legislation and national massage organizations recommend 500 hours including anatomy and application of particular techniques to address specific conditions. Massage therapy, if not done correctly, has the potential to injure someone. The educational requirement in the proposed ordinance reflects other ordinances throughout the County.

Ms. Coleson added that the proposed ordinance reflects ordinances not only in the County but throughout the state and stated that the ordinance is trying to protect the public and be fair as best as possible.
Councilmember Potter stated that staff should craft an ordinance that works for the City of El Cerrito and acknowledged community objections to confidential information of client records and the education requirements.

Mayor Moore clarified that the requirement for client records only applied to Massage Establishments and does not apply to home occupations and queried further as to whether a client's refusal to provide information would place the establishment or operator in violation of the ordinance.

Ms. Coleson stated that an establishment would not have to refuse service if a client failed to provide information. An establishment would be in violation if it refused to keep or produce a roster.

Mayor Moore drew attention to the educational requirements for a provisional massage technician as stated in the proposed ECMC 8.10.040(B)(3).

Ms. Carman pointed out that the El Cerrito is unique in developing educational requirements for the provisional massage technician.

Mayor Moore suggested language that would provide more flexibility for provisional technicians.

Mr. Oshinsky in consultation with Chief Kirkland offered the Council additional options and adjustments to the ordinance for consideration.

The Mayor and Council discussed and deliberated specific provisions of the ordinance; particularly the maintenance of a roster of client names, addresses and phone numbers, certain definitions, educational hour and training requirements and operation and permitting requirements. Chief Kirkland responded to Council inquiries. The Council also discussed the possibility of future pre-emption by state law.

These deliberations resulted in Council's amendment of the proposed ordinance on the floor at the meeting. City Attorney Coleson read each of the amendments to the following proposed El Cerrito Municipal Code Sections into the record: 8.10.010 Definitions (Massage Establishment) and (Off-Premises Massage Permit); 8.10.025(A) Operator's Permit Issuance or Denial; 8.10.040 (B)(3) Application for Massage Technician or Provisional Massage Technician Permit; 8.10.045(A) Massage Technician Permit or Provisional Massage Technician Permit Issuance or Denial; 8.10.050(E) Off-Premises Massage Permit; 8.10.055(B)/deleted subsection 9 Client Records in its entirety and renumber remaining subsections accordingly; 8.10.055(16) Discrimination; 8.10.105 and 8.10.120 (switch order of numbering to place Severability at the end of the ordinance)

Action: Moved, seconded, carried (Potter/Abelson) to adopt ECMC Title 8 by adding Chapter 8.10 Permitting Requirements for Massage Establishments by title only. Voice Vote: Unanimous.

Moved seconded, carried (Potter/Bridges) to adopt first reading of an ordinance amending ECMC Title 8 by adding Chapter 8.10 Massage Establishments as amended on the floor at the meeting. Second reading scheduled for January 16, 2006. Roll Call Vote: Unanimous.
Moved, seconded, carried (Potter/Abelson) to suspend council rules and extend the meeting to 10:45 p.m. Vote: Unanimous

REDEVELOPMENT AGENCY ITEM

C. Agreement for a Joint El Cerrito / Richmond Specific Plan for San Pablo Avenue

Adopt Resolution 563, authorizing the Executive Director to: 1) Appropriate $194,525 in redevelopment funds; 2) Accept and appropriate $180,000 in current and future West Contra Costa Transportation Advisory Committee funds; 3) Accept and appropriate $125,000 in City of Richmond funds; and 4) Enter into an agreement to contract with Moore Iacofano Goltsman (MIG) for a joint El Cerrito/Richmond Specific Plan for San Pablo Avenue, for $575,071 plus a $24,929 contingency for a total amount not to exceed $600,000. (ACTION: Adopt)

Mr. Oshinsky introduced the item by stating that many properties on San Pablo Avenue are located in Richmond. Zig-zag boundaries along the Avenue pose a challenge for planning and revitalization. The General Plan recognizes the challenge and states that cooperation with Richmond is required to achieve a unified character. The General Plan calls for guidelines and a Specific Plan. Mr. Oshinsky described El Cerrito’s efforts in moving revitalization forward: 1) ongoing street improvements; 2) impending streetscape and sign program improvements; 3) specific planning in the general plan and economic strategy and approval of a cooperative specific plan with Richmond. The Specific Plan will provide the City and Developers with a user friendly guidebook for future land-use design along the San Pablo corridor. In recognition of a shared commitment, the City of Richmond has approved funding for its portion of the Plan. MIG is recognized as a leader in innovative planning. A key component of the Plan is that it will use economic factors to inform land use decisions. The Plan will identify the best short and long term catalyst locations for specific types of businesses. It will analyze feasibility at the catalyst sites using proformas to estimate development potential. Economic data will inform landuse standards and help the city attract the economic uses and development that it desires.

Mr. Oshinsky introduced Dan Iacofano and Chris Beynon of MIG who described their work with other cities in developing a specific plan and provided a brief overview of the El Cerrito-Richmond Specific Plan. The overview included explanations of Plan purpose including mandated elements, the Plan approach, outcomes, relationship to the General Plan, joint city collaboration and a proposed process and schedule which is estimated to take 16 months.

Moved, seconded, carried (Jones/Abelson) to suspend Council rules and extend the meeting to 11:00 p.m. Vote: Unanimous

COUNCIL QUESTIONS

Mayor Pro Tem Jones asked for confirmation as to what the City will receive for the Agency’s appropriation of funds and an estimated timeline for adoption.
Mr. Beynon stated that MIG had attempted to incorporate as much of CEQA into the plan process as possible. MIG anticipates adopting a Mitigated Negative Declaration (MND) quickly after the final plan is complete.

Councilmember Potter asked Mr. Beynon to discuss streamlined environmental review for future projects in light of the MND.

Mr. Jacofono replied that MIG expects the level of CEQA analysis to encompass most of the projects that would be contemplated although they are not sure until the existing zoning requirements and capacities are looked at to determine how much can be approved.

Councilmember Potter asked if the contingency would cover the need to prepare a program Environmental Impact Report (EIR) rather than the MND or would it be a contract amendment.

Mr. Jacofono stated that he assumed the contingency would provide for an EIR should it be necessary.

Councilmeber Abelson inquired about Transportation as El Cerrito is a “Transit First” City, specifically Task 2.1.3 and asked for information relating to bus activity, particularly volume, and service.

Mr. Beynon offered to add a separate bullet under 2.1.3, discussing bus operations as part of the scope.

Councilmember Potter noted that weekend, mid-day and a.m. and p.m. flows should also be looked at.

Councilmember Abelson also asked if pedestrian circulation in places where there is a 3 way rather than 4 way cross would also be addressed.

Mr. Beynon stated that this would be addressed at key nodes of the corridor and that pedestrian movement and walkability would be fostered.

Action: Moved, seconded, carried (Potter/Moore) to adopt Resolution 563. Vote: Unanimous

6. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Moore reported that at the last Design Review Board (DRB) meeting one of the applicants stated that he found El Cerrito to be one of the most constructive DRBs he has worked with. Additionally, the DRB asked Mayor Moore to convey to the Council, the need for a street livability study which would address cooperation and compatibility between uses as well as enforcement.

Ms. Carman reported that the study is a combination of different plans which looks at livability issues. A livability study was prepared as part of the Creekside Project and the study contains numbers that can be used to quantify livability based on traffic patterns and other issues. Ms. Carman said she would talk with others and perform additional research.
Mayor Moore spoke of the small community nature of El Cerrito, and how the City needs to look at how the changes on San Pablo Avenue impact the community on and off the Avenue.

B. Mayor Pro Tem Jones – No report

C. Councilmember Abelson – No report

D. Councilmember Bridges – No report

E. Councilmember Potter – No report

8. **ADJOURN CONCURRENT REGULAR CITY COUNCIL / REDEVELOPMENT AGENCY MEETING**

   The meeting was adjourned at 10:57 p.m.

9. **CONVENE SPECIAL MEETING**

   Mayor Moore convened the meeting at 11:02 p.m.

   **ANNOUNCEMENT OF CLOSED SESSION**

   **INITIATION OF LITIGATION – CONFERENCE WITH LEGAL COUNSEL GOVERNMENT CODE SECTION 54956.9(c)**

   Albany Unified School District

   **Action:** Discussion held.

10. **ADJOURNMENT** The meeting was adjourned at 11:43 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special City Council and concurrent City Council/Redevelopment Agency meeting of January 2, 2007 as approved by the El Cerrito City Council.

Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency

Letitia D. Moore, Mayor

Janet Abelson, Agency Chair

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