CITY OF EL CERRITO

MINUTES

Tuesday, February 20, 2007

SPECIAL CITY COUNCIL MEETING

REGULAR CITY COUNCIL MEETING

ROLL CALL
Councilmembers: Abelson, Bridges, Jones, Potter and Mayor Moore

6:45 p.m. CONVENE SPECIAL MEETING
Mayor Moore convened the special meeting at 6:46 p.m.

INTERVIEWS OF APPLICANTS FOR COMMISSION AND BOARD VACANCIES
The City Council will conduct interviews of applicants for City Commissions. The City Council may make an announcement of commission appointments at the meeting.

ADJOURN SPECIAL MEETING
The special meeting was adjourned at 7:38 p.m.

7:30 p.m. CONVENE CITY COUNCIL MEETING
Mayor Moore convened the regular City Council meeting at 7:41 p.m.

1. Pledge Of Allegiance To The Flag – led by Mayor Moore

2. Council/Staff Communications/Announcements. (Informational reports on matters of general interest by Council & Staff.)

A. Commission Appointments

Mayor Moore announced the following commission appointments with all terms concluding on January 1, 2011:

Civil Service Commission: Re-appointment of Jay Clark and Irene Takahashi
Design Review Board: Appointment of Mathew Gaber

Economic Development Board: Appointment of Jeffrey De Fazio and Ken Lerch.

Human Relations Commission: Re-appointment of Patricia Durham, Shawn Jackson and Helen Tinsley-Jones

Parks & Recreation Commission: Appointment of Sherry Deng with direction to advertise and recruit for the remaining vacancy on the commission.

Contra Costa County Transportation Authority Citizens Advisory Committee: Pamela Stewart Wagner for a term ending February 20, 2011.

B. Additional Announcements

Mayor Moore thanked the Council and city for offering their condolences to her due to the death of a close family member, a resident of Belize. While in Belize, Mayor Moore was invited by Her Worship Madam Mayor Zenaida Moya to meet with her. In Belize the Council is comprised of 11 counsellors. Mayors Moore and Moya discussed the differences in politics and government between the two cities and countries. Madam Mayor Moya also asked Mayor Moore to consider whether El Cerrito is interested in establishing a sister city relationship with Belize City or a city of the same size as El Cerrito. Mayor Moore said she would be sending a thank you letter on behalf of El Cerrito which would also contain information about the city.

Mayor Moore also announced, that as a result of Olson Project discussions at the last meeting, she had received pre-qualification guidelines from the Contra Costa Building and Trades Council which could be used for the Olson project.

Additionally, at a recent NAACP event attended by Mayor Moore, Marion Wilson-Sylvester, External Relations Officer for the Bay Area Chapter of the Red Cross, conveyed her interest in speaking at a City Council meeting. Mayor Moore referred this request along with Ms. Wilson-Sylvester’s offer to provide training to the city to the City Manager.

Councilmember Abelson announced her attendance at a Partners for Smart Growth conference in Los Angeles. The theme was building safe, healthy and livable communities. Councilmember Abelson stated that it was interesting and exciting to see the merging of these fields together and said she would provide the City Manager with materials and information obtained at the Conference.

C. San Pablo Avenue Working Group / West Contra Costa County Transportation Advisory Council

Jennifer Carman, Planning Manager, reported on activities of the San Pablo Avenue Working Group (SPWG). The SPWG is a group comprised of many different organizations pulled together by Assemblymember Hancock. The Group has been created to look at how to transform San Pablo Avenue into a grand boulevard. A subcommittee of the Group is looking at affordable housing ideas and
how state infrastructure bond funding might apply and help these projects. The West Contra Costa County Transportation Advisory Council has asked El Cerrito if it is interested in one pilot project of the Council. The City has met with the Transportation Advisory Council twice and forwarded a couple of names of developers who are just beginning to look at how parcels may be developed. The idea for the project is 6-12 units of housing, with at least a two bedroom unit, and 2 parking spaces located near BART, trains or buses with a height possibly up to 4 stories, backyard landscaping and building in car share at reduced rates and transit passes. The building design and construction will be environmentally friendly, have low acoustics and will be private. Staff is encouraged by the enthusiasm in which two developers are looking at the project.

3. Oral Communication from the Public

Peter Loubal, 6502 Morris Ave., offered a clarification on his hearing testimony from the February 5, 2007 meeting. Mr. Loubal said that the minutes indicate that Mr. Loubal stated that there needs to be a direct route from San Pablo Avenue and clarified that he actually said much more. Mr. Loubal stated that he said the developer and Regency must prove they can solve the current transportation circulation mess before the start of construction. He further stated that the minutes state that he disagreed with inclusion of the creek in the net area calculation and that this does not do justice to what he said. Mr. Loubal feels that taking the creek into account sets a dangerous precedent. Mr. Loubal further stated that Councilmembers Abelson and Potter received $1,000 contributions from Mr. Busby, a developer.

Rosemary Loubal, 6502 Morris Ave., spoke on the issue of prevailing wage. She stated that the City needs to be careful how monies are spent, particularly on city properties and that the city should not support developers who mistreat people. Ms. Loubal provided a brief summary of the last Council meeting discussion on prevailing wage and the Olson project. She stated that the Council did not challenge the developer’s assertion that costs would increase 30% or consider methods of raising funds for the alleged shortfall. Ms. Loubal spoke of the strength and benefits of unions and stated that if the Council allows developers refrain from offering prevailing wages then decision makers including the Council, City Manager and Senior Staff should also incur a 30% decrease in wages to achieve equity.

Al Miller, 625 Ashbury Ave., shared his experience of attending a Richmond City Council meeting discussing immigration policy. At the meeting, Mr. Miller heard stories of stops and seizures of immigrants without warrants. School officials reported that children had been left at school because their parents had been picked up. Church representatives at the meeting said Latinos are afraid to leave their homes because of Immigration and Customs Enforcement (ICE). The Richmond Chief of Police expressed concern over community relationships that had been destroyed by ICE. Mr. Miller distributed the resolution adopted by the Richmond City Council and encouraged Council to consider adopting certain enacting clauses of the Richmond resolution.

Josh Whitmer, 780 Colusa Ave., requested that the City Council consider putting in a 3-way stoplight at Colusa and Hotchkiss and at Eureka and Colusa. Mr. Whitmer reported that one car has been totaled by a hit and run and at least three other incidents of vehicular damage.

Mayor Moore referred Mr. Whitmer to the City Engineer for further discussion.
Peter Loubal, commented on Ms. Carman’s presentation on the San Pablo Avenue Working Group and said it was the most unrealistic plan he had seen in years other than the Olson project. Mr. Loubal further stated that he considers it unethical for councilmembers to vote on projects in which they received political contributions from a developer and asked if it was illegal. Finally, Mr. Loubal mentioned the Commissioners Workshop and stated that cohesiveness building is used by corporations and specific agencies and that he considers it inappropriate for citizens with disparate views to be brought together. Mr. Loubal stated that the Human Relations Committee used to promote diversity and now it promotes alignment and marching together lockstep. Mr. Loubal said he was shocked to see a coercive harmony technique used in El Cerrito. Mr. Loubal said it was his hope that the public be allowed to attend and speak at the upcoming Commissioner’s Workshop.

4. Adoption Of The Consent Calendar – Items 4A through 4D

It was moved, seconded, carried (Abelson/Potter) to adopt items 4A and 4B on the consent calendar. Vote: Unanimous.

A. Minutes for Approval

Approve the minutes of February 5, 2007 (City Council Special, City Council – Redevelopment Concurrent Regular; Special Closed Session) (ACTION: Approved minutes)

B. Amendment to Environmental Contract for Windrush School Master Plan Update Use Permit Amendment

Adopt a Resolution authorizing the City Manager to amend the previously authorized contract with LSA Associates for completion of the Windrush School Use Permit Amendment Environmental Review.


C. Recreation Program Supervisor Job Description and Salary Schedule

Adopt a Resolution amending the City’s Classification Plan to add the job description for Recreation Program Supervisor II and set the appropriate salary schedule.

Action: Removed from the Consent Calendar by Mayor Moore at the request of Mayor Pro Tem Jones. Mayor Pro Tem Jones recused himself due to a possible conflict of interest. Moved, seconded, carried (Potter/Bridges; Absent – Jones) to adopt Resolution 2007-08.

D. Application for Off Sale Person to Person Transfer of On Sale General License

Lucky Stores, 1000 El Cerrito Plaza
The Police Department sees no reason to deny issuance of the license.

Action: Removed from the Consent Calendar by Councilmember Abelson. Moved, seconded, carried (Abelson/Potter) to note and file with direction from Councilmember Abelson to further investigate the use of the Lucky’s name on the application.
5. POLICY MATTERS – OLD BUSINESS

Appeal to the City Council by the North Albany Neighborhood Association of the Planning Commission’s Approval of an Extension of the Use Permit for the Creekside at El Cerrito Condominium Project

The City Council conducted and closed the public hearing on February 5, 2007 and continued discussion and possible action to February 20, 2007.

A. Revised Resolution with modified Condition No. 50 presented at the February 5, 2007 meeting.

Adopt a Resolution denying the appeal and upholding the decision of the Planning Commission regarding application no. E366, approving an extension of a use permit with conditions allowing a 128 unit condominium development to locate in a C-2-A, commercial zoning district at the southeast corner of El Cerrito Plaza granted January 30, 2006 under City Council Resolution 2006-1.

2. Staff Recommendation and Report (February 5, 2007)


1. Jason Foster, Appellant – North Albany Neighborhood Association
   2005 Plan View – Figure 2-1 Garage Level of Residential Only Alternative
   2006 Plan View – Creekside at El Cerrito Plaza, Garlock and Co. A1

2. BJ Thorsnes
   Photographs (2): Parking Lot Views. Taken Saturday, February 3, 2005, 11:45 a.m.

3. Preston Jordan
   Graphic with Emergency Vehicle Access and public open Councilmember Potterace highlighted.

Mayor Moore opened discussion on this item by stating that although she was absent from the February 5 public hearing, she had reviewed the meeting on DVD and all documents submitted. Councilmember Potter, Mayor Pro Tem Jones and Mayor Moore each disclosed individual discussions with Eric Zell, a representative of the project.

Councilmember Potter summarized the last meeting including discussion of the site plan and stated that certain conditions of approval had not been met, namely traffic and circulation and that a direct connection to San Pablo Avenue needed to be made. The Council did not spend too much time on improvements that were made to the project since it last came before Council. Councilmember Potter suggested the Council re-open the discussion of the project with particular attention to condition #50.

Mayor Moore clarified the issues before Council, namely extension of the use permit and stated that the appeal was based on net acreage and whether or not the agreement for the traffic study required by the conditions of the use permit had been entered into.
Councilmember Potter stated that it was her understanding that it was a new hearing and that Council could take up any issues of concern. Councilmember Potter stated that she was not compelled by the argument regarding net acreage and density calculations. The real issues are about the layout of the streets and the connection to San Pablo Avenue and the affects on the loading dock at Albertsons.

Mayor Pro Tem Jones spoke about condition 50 and stated that he supported tightening up the requirement and timeframe in which the traffic study needs to be completed.

Councilmember Potter confirmed that the purpose of condition 50 is to clearly delineate a path to San Pablo Avenue and that Council has not seen this on a site plan but could strengthen language in the resolution.

Mayor Moore asked for the council’s understanding of what the study is supposed to achieve.

Mayor Pro Tem Jones stated that it was his understanding that the study would look at the entire Plaza, recommend improvements and clearly delineate the path from the project to San Pablo Avenue. The study should outline how this is possible.

Councilmember Abelson stated that there needed to be a traffic study and whatever recommendations were made by the study would be implemented and that the study would provide the best possible scenario.

Councilmember Bridges understood that the study should encompass traffic flow of the entire Plaza and include a clearly delineated path from San Pablo Avenue. The City will choose who will do the study and the developer will pay for it. Furthermore, the Planning Commission is interested in the turnaround behind Albertsons.

Janet Coleson, City Attorney, informed the Council that the project was private property and that condition 50 was mandatory as it had been agreed to by the developer.

Mayor Moore said that although there had been an invitation to reconsider the project as part of the appeal she was not interested in reconsideration and asked if anyone on the Council was interested in revisiting the entire project.

Mayor Pro Tem Jones asked the Council to take a look at the best project for the site. Mayor Pro Tem Jones is an advocate of multi-level, high density housing and the Council needs to make sure it is a good fit however this site is landlocked on two sides. It doesn’t have side streets that would absorb parking and extra traffic. Mayor Pro Tem Jones said he was bothered by using the backside of Albertsons as a major road as it is not designed to carry traffic on a regular basis and there is barely room on the northside. Additionally, semi trucks disrupt traffic. Mayor Pro Tem Jones had hoped the re-design would come with fewer units and it did not. Fewer units and lower density would help the project. Mayor Pro Tem proposed a downgrade to 114 units which would scale back on density, allow for more room along the perimeter and improve the project.

Mayor Moore expressed her concern by stating that eliminating units is an inefficient way to get at the issue of what troubles most people – where the buildings sit.

Mayor Pro Tem Jones said that the project is a very tight fit. The buildings are so close together that
they cause a major problem.

Councilmember Abelson said the Council had scaled the project back already and that she had no interest in further scaling the project down.

Councilmember Bridges expressed concern about the size of the project because there may be problems with the emergency vehicle access (EVA) and that the Albertsons turnaround is tight but that she was willing to go with the size of project assuming there is a really good traffic study. Councilmember Bridges asked staff to address the EVA.

Ms. Carman stated that the roadway for EVA had not changed substantially and described the differences in the roadway as depicted on the 2005 and 2006 site plans listed as agenda item C(1). The Fire Department wants a hammerhead which would allow the fire engine to perform a T or 3 point turn. The roadway has not been reduced significantly. Ms. Carman also stated that the plan would be circulated to the Fire Department and all departments and if the Fire Department is not happy with the plans then Planning usually turns the plans back to the applicant and asks the applicant to meet the needs of the Department or put conditions on the approval.

Councilmember Potter noted that the site plan was approved by a majority of the Council, twice by the Planning Commission and with input from the Design Review Board. Councilmember Potter asked if the December 20 version was adequate for this council? She further stated that she was not in support of a project re-design and that there is a desire to focus on condition 50 particularly with respect to access to San Pablo Avenue. This is a transit oriented development with affordable housing that comes with challenges but with overall goals being met.

Councilmember Bridges stated that the project meets the specifications of the General Plan and that Council had clarified language regarding the traffic plan, particularly with the City choosing who will prepare the plan. Councilmember Bridges said that it will be interesting to see how Albertsons trucks will be able to make their turns and that she supported the project pending condition 50 with a clearly delineated pathway to San Pablo Avenue, that the Albertsons turnaround is adequate and that there is a study of the plaza’s traffic patterns. She noted the developer’s good faith efforts in meeting the city’s requests for changes and asked for a promise from the applicant and Regency that it will make changes requested by the Fire Department and that the Fire Department will have proper access through the EVA.

Mayor Moore confirmed the language of condition 50 with the Council and read key provisions into the record.

Councilmember Abelson asked for clarification as to whether the study would look at a congestion spot near Rubios. The Council agreed that the study would look at this area in the context of the entire Plaza.

Mayor Moore confirmed the Council’s understanding that the direct line from the project to San Pablo Avenue would not use other streets and some of the Council pointed out that the language in Condition 50 did not specifically echo this understanding and it this was a desire of the majority of the Council then language would need to be revised to reflect this.

Councilmember Potter stated that it was her understanding that a clear path [to San Pablo Avenue] be
delineated in any way it could be and that it would not go through Albany.

**Mayor Pro Tem Jones** said the applicant could use existing pathways and mark a line on a site map that shows a path going from the project to one of the main entryways. Mayor Pro Tem Jones wanted a path, possibly a different path, to go directly from the project to San Pablo Avenue and not connect through the parking lot to a main entry and exit point.

**Councilmember Abelson** re-stated her view that the City needed to hire a traffic engineer to prepare a study and asked that the Council could add criteria to prevent the path from going through Albany. Given that the entire Plaza will be in the study, the Council may want to be flexible and see what changes and improvements are identified in the study.

**Mayor Pro Tem Jones** re-iterated his desire to prevent a direct route connecting to a main entry and exit point.

**Councilmember Potter** suggested adding specific language to condition 50 regarding improved traffic circulation to and from the project including a clearly delineated path so traffic can flow safely within approved levels of service from the project to San Pablo Avenue. Councilmember Potter informed the Council that it is looking for a solution where those in traffic and pedestrians can be safe and that it is efficient enough to meet the standards and levels of the General Plan. The Council’s goal is to make a project that isn’t going to paralyze traffic inside the Plaza shopping center and adversely affect the flows in the connecting streets.

**Councilmember Bridges** agreed that there should be a clearly delineated path so that the residents enter from San Pablo Avenue without disrupting traffic in the Plaza.

**Mayor Moore** suggested language characterizing a path that most efficiently carries traffic between the project and San Pablo Avenue.

**Mayor Pro Tem Jones** requested additional of language which would allow for use other than existing major entrances and exits.

**Councilmember Potter** queried the possibility that engineers could make it feasible for the traffic to be carried on those roads and without the study it is hard to second guess the design due to a lack of information.

**Councilmember Abelson** stated that the vehicle volume created by the retail use of the Plaza is in another ballpark compared to the total units proposed and asked that the traffic engineer be allowed to make recommendations and work out the best solution. She agreed that the solution not include transit through Albany.

**Mayor Pro Tem Jones** stated the need for a pathway that is servicing this project and not part of the existing circulation of the Plaza.

**Councilmember Abelson** requested clarification from Mayor Pro Tem Jones and said she was looking for a study that would use existing features to make traffic flow better.

**Councilmember Bridges** asked if the traffic study could come before Council for review.
City Attorney Coleson responded that the study could come before Council as information but that Council cannot act on it.

Mayor Moore summarized Council interest in a somewhat direct path from San Pablo Avenue to the project so that people are transported directly to the Project and not through the Plaza. She also acknowledged Council concerns that this approach may be too rigid and that the Council consider the wisdom of the traffic engineers. Essentially, a clearly delineated path means different things to different people and that the resolution needs to state what a majority of the Council wants to happen.

Councilmember Potter expressed her disagreement with an approach that only serves the project and expressed her desire for language that would allow flexibility for traffic engineer recommendations.

Mayor Moore suggested language for a clearly delineated, effective and efficient path from the project to San Pablo Avenue.

Councilmember Abelson suggested maximizing the throughput of traffic to move the maximum number of cars in and out of the Plaza with a configuration incorporating the completed traffic study and stated what would best serve the community is to come up with a configuration that would provide the maximum means for cars to move in and out of the project and retail area. Citizens want to get in and out of the Plaza as easily as possible.

At the request of Councilmember Potter, Mayor Moore re-stated suggested language for condition 50, queried the comprehensive circulation and traffic study for the project and the entire Plaza, and confirmed the Council’s desire for the study to address improved traffic circulation for the entire Plaza, the project, and traffic circulation to and from the project including a clearly delineated efficient and effective path from the project to San Pablo Avenue and to analyze auto traffic and truck movement in the area adjacent to the Albertson’s loading dock.

Mayor Pro Tem Jones requested language regarding the exclusion of the existing major entrance and exit. Mayor Pro Tem Jones confirmed that it would not be acceptable to him if the Traffic Engineer determined that the safest and most efficient route was past the Sushi Place and Sees out to Carlson.

Councilmember Potter stated that she was not interested in specifying a solution and asked that the word safe be included in the language and offered language for a motion.

Councilmembers Abelson and Bridges stated that they were in agreement with proposed language however Mayor Pro Tem Jones disagreed.

City Attorney Coleson asked for confirmation of and agreement from the applicant.

George Eshoo, representing the applicant, confirmed the applicant’s agreement.

Action: Moved, seconded, carried (Potter/Abelson; Noes – Jones) to adopt Resolution 2007-09, including: 1) a revised and further modified condition No. 50; 2) denying the appeal and upholding the decision of the Planning Commission regarding application No. 6366; and 3) approving an extension of a use permit with conditions allowing a 128 unit condominium development to locate in a C-2-A commercial zoning district at the southeast corner of El Cerrito Plaza granted January 30, 2006 under
City Council Resolution 2006-01.

6. PRESENTATIONS

**Library Community Needs Assessment and Building Program** – Prepared by Page + Moris, LLC

Receive a presentation on Library Community Needs Assessment and Building Program and provide comments to staff.

Karen Pinkos, Assistant City Manager, introduced the results of the Library Community Needs Assessment Program which is based on two assumptions: 1) The city will purchase land behind the Senior Center from the school district; and 2) The study assumed passage of Proposition 81, the state library bond. Although the City had been in negotiations with the School District for a site last year, the school district has placed the lease-purchase agreement on hold due to Portola Middle School relocation discussions however, the city can adapt the study to another location. Proposition 81 failed but staff will monitor the progress of another bill currently pending in the legislature for 2008.

Ms. Pinkos introduced Kathy Page, Principal of Page + Moris, and Brian Gyoerkoe, Contra Costa County Deputy County Librarian - Public Services.

Kathy Page, Principal of Page + Moris, identified the purpose of the study as: 1) Identify library service and space needs - both current and through 2030; and 2) Prepare El Cerrito for a state library bond application. Ms. Page provided a history of the Library Needs Assessment and said community input was extensive including 7 focus groups, a community survey and interviews with key community representatives.

Additional assessment included library and city staff interviews, on site observation, comparisons to library industry guidelines and incorporation of the County Library Strategic Plan. This provided an outline of current facility deficits including: 1) an aging facility built in 1948; 2) low lighting levels; 3) a decline in building systems; 4) parking which is removed from the public entrance which is tough for seniors and parents with strollers; 5) difficulty zoning the public space by activity level; and 6) continuing noise and disruption. The Internal Facility Deficits are identified as: 1) shelving at 100 per cent capacity with a limitation on collection growth, display and browsing; 2) limited seating; 3) too few computers; 4) congested staff work space and poor acoustics. Ms. Page offered the following recommendations for improvement: 1) increase collections and shelving; 2) seating; 3) offer tutoring and group study; 4) offer computers and technology; 5) build in programming and meeting room space; and 6) increase building size.

Major findings for Collections included: increased shelving and browsing capacity, increase current fiction and non-fiction materials; offer more books for children and teens, increased language collections and audio and video media. Ms. Page also recommended increasing the capacity and variety of seating including creation of varied use with group study and tutoring space for students. Computers should increase six fold with an enclosed training room as well as improved laptop plug-in access and wifi access.

Recommendations for improved meeting room and programming space include a dedicated, acoustically separate meeting room with 100 seats and dedicated children’s programming space with a separate story telling space. Ms. Page recommended a substantial increase in building size totaling 21,626 sq. ft. and then offered a comparison between El Cerrito and the Hercules and Lafayette libraries.
In conclusion, Ms. Page described the details of a second report outlining the Building Program which reflects the needs assessment, acts as a direction to the architect and is written within strict state guidelines and specifically in relation to the Stockton Avenue site. The plan calls out distinct zones and activity areas for patrons and outlines efficiencies such as automated check in and check out.

COUNCIL COMMENTS

Mayor Pro Tem Jones asked for clarification regarding industry guidelines and costs.

Ms. Page responded that the guidelines are geared towards making a library successful. The Lafayette Library reflects the community's desire to go beyond guidelines and is a library and learning center. Ms. Page stated that she made an honest assessment of identifying El Cerrito space needs and translated it against sq. ft needs within the context of guidelines.

Mayor Pro Tem Jones asked if Contra Costa County was able to support other libraries and whether El Cerrito needed to provide additional funding to operate the library?

Ms. Page replied that the city needed to look at the Plan of Service, which has not yet been developed as well the possibility of additional pressure to operate the new library at more than the current 35 hours per week.

Brian Gyoerkoe, Contra Costa County Deputy County Librarian - Public Services, responded that the county would need to look at operational costs of the facility. The County provides a base level of service and negotiates with cities. Mr. Gyoerkoe commented on the Hercules Library which just opened. The County is responsible for collection and staffing. Hercules takes care of the operational costs of the building including utilities, pest control, recycling, etc. There is a next step for working with staff on operational costs and funding levels. Both parties would need to look at cost efficiencies including technology when negotiating an agreement.

PUBLIC COMMENT

Tom Panas, 7534 Fairmont, El Cerrito Historical Society, thanked the Council and staff for pushing forward with the library and summarized the history of the library. Mr. Panas stated that it had been fifty years since anything significant had been done to the library and that the current library is woefully inadequate. It is too small, there are not enough computers and no meeting room. Mr. Panas expressed his interest in kids going to the library and a great vision for El Cerrito and urged the Council to move forward.

Grace MacNeill, Friends of the Library, form El Cerrito Librarian, 808 Sea View Drive, offered her support for the plan. She stated that there is a need for a large meeting room. The children's program draws as many as 200 people a week. A large meeting room could be used as a homework center and smaller rooms could be used for other programs. The staff space is too small. A better designed library could reduce energy and utility costs. The Friends of the Library sorts, prices and store books to raise funds. The Friends would like to stimulate large fundraising programs for extra costs when the City announces a new library and needs space for its endeavors. Ms. MacNeill asked that the Council refrain from using the same architect used for the Hercules library.

Al Miller, 625 Ashbury, stated that there is a technology divide with senior citizens and that a natural synergy between the new senior center and a new library and that they should be designed as a compatible team rather than separate buildings. Mr. Miller expressed his excitement about the advances in technology referenced in the proposal. He asked the Council to also consider the environmental design and how it relates to the environment and acknowledged the efforts of the Governor in reducing the carbon footprint. Mr. Miller asked the Council to make sure the project reduces its carbon footprint in the design, build and operational phases and that the City use an environmentally
sensitive green architect.

Michael Hanlon, 904 24th St. Richmond, said he is a prior resident of Millbrae and spoke of his experience with the new Millbrae Library and encouraged the Council to continue towards a new library and stated that the Council would be proud of it.

ADDITIONAL COUNCIL COMMENTS

Councilmember Potter thanked the people who stayed to share their ideas for the library and staff for their work and noted the need for a new library for children and teens.

Mayor Pro Tem Jones expressed his appreciation for the study and stated that he is looking forward to going forward and that this is the best money that the Council will spend. This is a great start and the city is ready to proceed for any opportunity that arises.

Councilmember Abelson also thanked staff and said she is also looking forward to a new library, particularly for youth, and echoed Mr. Miller's comments on incorporating green building and developing a system for the city's own buildings to be green buildings. Councilmember Abelson asked staff to learn about what we could be doing and then develop policies and principles for green buildings in the City and acknowledged that a determination of where the building will be located will need to be made in order to develop more specific plans. She also hoped that there would be synergy with the Senior Center.

Ms. Page replied that many pages in the design report reference features promoting sustainability.

Councilmember Bridges stated that the residents and Ms. Page's observations were right on and expressed her appreciation for the work that went into the study. The city needs a place for the historical society and for kids to study and she hopes to see the library come to fruition.

Mayor Moore agreed with the comments made and stated the city will move forward with whatever pace the City can, provided support for the use of green principles and agreed with the building of a synergy between the senior center and the library and to moving forward in a positive way.

7. POLICY MATTERS – NEW BUSINESS

A. Mid-Year Budget Review

Adopt a Resolution authorizing supplemental appropriations from the Adopted FY 06-07 Budget to account for operational variations. (ACTION: Adopt)

Mary Dodge, Finance Director and City Treasurer, outlined the components of the staff report and stated that the city was definitely on target. The City did better than the $235,000 projected in the 2006/2007 budget. Part 2 depicts the financial status of the city as of December 31. The major tax projections are holding up and property taxes are up a bit higher and sales tax and Utility Users Tax (UUT) are held to budget when considering various adjustments needed. The other revenues including recreation are on target. The Gas Tax is up due to the increase in the cost of fuel and the city did receive Congestion Relief Spending which will come before Council at a future date. The redevelopment program tax receipts are at budget and other funds appear consistent with the budget. Expenditures are rolling along as projected and salaries and wages are also on target.

Department Budgets show that all departments appear on target although some departments have cycle issues. For example, Employee Services always pays insurance in the first part of the year. Ms. Dodge also discussed proposed adjustments and stated that there was $318,000 in revenue to propose an
increase including $100,000 from the Fire Department. Ms. Dodge has been working with Interim Chief Maples to more accurately track overtime and separate out OES reimbursement and Prevention so that it can be managed more closely. Recreation is proposing an increase of $178,000 in its revenue for the Fairmont After-School program, other program growth, and $40,000 from Measure A to fund the capital needs of the pool. There are no tax adjustments on revenues as they all appear on target. In expenditures the other half of the $100,000 requested by Fire is for OES overtime. Within Public Works there will be an increase in salary savings due to new positions which have not been filled. In the Police Department there was an unexpected FLSA payment of $66,000 and an adjustment due to unanticipated retirement activity. The Recreation Department is requesting $125,000 for program expansion and a $40,000 capital expenditure related to the pool.

Mayor Pro Tem Jones requested clarification of a projected increase of $235,000 over last year’s budget and asked for clarification on the $66,000 increase due to the Police FLSA.

Scott Hanin, City Manager, replied that the FLSA increase was a legal interpretation brought to the City’s attention by the Police Association. The clarification was based on a calculation and all agreed that the adjustment was appropriate but had not been budgeted.

Mayor Pro Tem Jones stated that the Recreation Department was doing better than they thought and that their projection includes new programming revenue.

Ms. Dodge said the Recreation Department was working very hard on monitoring its budget.

Mayor Pro Tem Jones said staff was doing a good job of managing hiring, particularly in refraining from filling spots until they are absolutely needed.

**Action:** Moved, seconded, carried (Abelson/Bridges) to adopt Resolution 2007-10 authorizing supplemental appropriations and budget adjustments to revise the estimated net change in fund balance in the general fund from $91,000 to $28,000 to account for operational variations.

Moved, seconded, carried (Jones/Bridges) to suspend council rules and extend the meeting to 10:45.

**B. Financial Advisory Board**

Introduce an ordinance amending El Cerrito Municipal Code Section 2.04.300, Financial Advisory Board, to standardize the appointment process.

Ms. Pinkos outlined provisions of the ordinance amendment and stated that this ordinance amendment would achieve consistency in the area of commission appointments with councilmembers making appointments by a majority of the Council rather than making individual appointments. Commissioners would also serve four years.

Councilmember Potter provided background on issues that were brought to the Council for consideration in 2005 and stated she prefers a more comprehensive review of the ordinance and understands that there is some urgency as the Financial Advisory Board (FAB) is currently unable to meet because of lack of quorum.
Councilmember Bridges said she is fine with the change in appointment process and stated a need to agendize the fact that FAB isn’t meeting and the fate of the FAB.

Mayor Moore stated a need to take action on the FAB and acknowledged the state of the FAB and asked that it be brought back before Council, however with the lateness of the item it will be difficult for the FAB to be an integral part of the budget process and noted that it is the Council’s pleasure to address any broader issues involving the commissions for detailed discussion and action at a future date.

Councilmember Abelson stated that she agreed with Councilmember Potter and reported that she often gets questions about the Tree Commission and Tree Commission duties. She also asked if the Recycling Task Force should be included in a future agenda item.

Mayor Pro Tem Jones stated that it is imperative to have a third party financial advisory board on the budget and that the public has to have an opportunity for input and study.

**Action:** Moved, second, carried (Bridges/Jones; Noes – Potter) to introduce an ordinance amending El Cerrito Municipal Code Section 2.04.300, Financial Advisory Board by title only.

Moved, seconded, carried (Jones/Bridges; Noes – Abelson, Potter) to adopt first reading of an ordinance amending El Cerrito Municipal Code Section 2.04.300, Financial Advisory Board, to standardize the appointment process. Second reading scheduled for March 5, 2007.

Councilmember Abelson asked that staff agendize issues regarding larger commission issues and the existence of the FAB, Tree Commission and Recycling Task Force.

Councilmember Potter requested that amendments prepared in 2005 be written into an ordinance and brought back to Council for consideration.

8. **PUBLIC HEARING**

**Integrated Waste Management Fee**

Conduct a public hearing and upon conclusion adopt a Resolution re-adjusting the Integrated Waste Management (IWM) Fee, effective May 1, 2007, consistent with previous City Council direction.

Heather Abrams, Integrated Waste Management Services Manager, summarized the status of the fee by recalling presentation of the ten year budget plan in July 2006 which also went through the budget review process. Ms. Abrams referenced prior fee increases which were adopted and took effect in September and another fee which would have taken effect in May 2007. Subsequently, case law in California changed the way the city does noticing so staff brought the item back before Council for consideration. Public notice was mailed to all customers in January 2007, published twice in the newspaper and posted at City Hall.

Moved, seconded, carried (Abelson/Bridges) to suspend Council rules and extend the meeting to 10:55.

**COUNCIL QUESTIONS**

Councilmember Potter asked if the materials mailed to residents offered the 20 gallon container at a
reduced rate.

Ms. Abrams replied that the notices had each of the rates available.

Mayor Moore opened the public hearing.

PUBLIC TESTIMONY

Al Miller, 625 Ashbury, relayed comments made at the El Cerrito Democratic Club Open Mike regarding the dissatisfaction of elderly members regarding rates during vacation time. Additionally, each time the fee increases more and more people in the city find it harder to pay for it and suggested a cooperative initiative in education by Integrated Waste and the Senior Center on increasing recycling, pre-cycling, composting and waste reduction.

Kathleen Lander, 7210 Blake St., said there is no incentive to reduce garbage. The rate for a 20 gallon cart is the same as for a 35 gallon cart. She also expressed her concern that the bill for waste has grown substantially and is concerned about future bills and stated there is a hidden tax increase for city personnel and analyzed the cost of proposed rates.

Moved, seconded, carried (Bridges/Potter) to close the public hearing

Mayor Pro Tem Jones stated that there appeared to be some confusion over the fees and clarified a reaffirmation of action taken last year and the new Integrated Waste Management Fee.

Action: Moved, seconded, carried (Jones/Potter) to adopt Resolution Resolution 2007-11 re-adjusting the Integrated Waste Management (IWM) Fee, effective May 1, 2007, consistent with previous City Council direction.

Councilmember Abelson requested clarification on the $25 fee to re-establish service and the requirement to pay for service even though no one was living at a rental property.

Ms. Abrams replied that the Franchise does not address vacation holds or gaps in service and that this is not controlled by the City. East Bay Sanitary District sees the service issue and has instituted a reinstatement fee to recover administrative costs. The City is working with East Bay Sanitary on these issues and on incorporating some new practices that the City can control.

Moved, seconded, carried (Jones/Potter) to suspend council rules and extend the meeting to 11:00 p.m.

9. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Moore reported that El Cerrito is hosting of Mayors Conference on March 1, 2007 and that all former mayors have been invited.

B. Mayor Pro Tem Jones reported on the Economic Development Board website which will include a Shop El Cerrito site and stated that the Joint Powers Agreement Sports Field had received responses to its bid request and that bids had come in at $500,000 over budget.
C. Councilmember Abelson reported on a meeting she attended with ABAG and other regional agencies on how to reduce global warming at a local level and announced that the El Cerrito Earth Day Celebration will be a two day event this year. On Saturday there will be the usual program and on Sunday there will be a program at 1:00 p.m. at the Cerrito Theater featuring the movie, An Inconvenient Truth and a lecture on how individuals can personally reduce their own carbon footprint.

D. Councilmember Bridges announced that on March 3, 2007 the Human Relations Commission is hosting a Joint Commission Workshop to discuss the Brown Act and how to run meetings more efficiently. The Joint Commission Workshop will be held at the Community Center from 9:00 to 1:30. Councilmember Bridges also reported the Crime Prevention Commission is planning for the next National Night Out and that Don Horgan, staff liaison to the Crime Prevention Committee, will be presented with the Officer of the Year Award.

E. Councilmember Potter reported that the School District Bond Oversight Committee will not be meeting at its regularly scheduled meeting date because of the short month but will be meeting on March 14.

COMMUNICATIONS

Commission Interviews
Commission Appointments – Vacancies and Terms (City Clerk)

Item No. 8 Public Hearing – Integrated Waste Management Fee
1. Richard Wolinsky
2. Joseph and Florence Castanchoa
3. Allegheny Ray
4. Issac & Miasha Gonzalez
5. Mayachela Garcia
6. Eisei Kato
7. Alberta Hubner
8. YuChun Lin
9. Joanne & Vincent Cauteruccio
10. Mildred Sheehan (2)
11. Ms. Needham
12. Beverly Needl
13. Lauren M. Blatz and Vaughn W. Brown
14. Kathleen Lander

SUPPLEMENTAL REPORTS AND COMMUNICATIONS
Item No. 4A Minutes for Approval
Page 13 of 15 [Duplication error - inadvertently omitted from agenda packet]

Item No. 6 Library Community Needs Assessment and Building Program
Powerpoint Presentation (Page + Moris)
Tom Panas

Other Immigration Reform
Al Miller
ADJOURNED REGULAR CITY COUNCIL MEETING at 11:00 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meeting of February 20, 2007 as approved by the El Cerrito City Council.

Cheryl Morse, City Clerk

Letitia D. Moore, Mayor