CITY OF EL CERRITO

MINUTES

SPECIAL CITY COUNCIL MEETING
Monday, August 20, 2007 – 6:15 p.m.
Community Center Conference Room

CITY COUNCIL REGULAR MEETING
Monday, August 20, 2007 – 7:30 p.m.
City Council Chambers

CITY COUNCIL SPECIAL CLOSED SESSION
Monday, August 20, 2007 – Immediately following the Regular Meeting

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

ROLL CALL
Councilmembers Abelson, Bridges, Jones, Potter and Mayor Moore
All members present.

6:15 p.m. CONVENE SPECIAL MEETING
Mayor Moore convened the special meeting at 6:17 p.m.

ORAL COMMUNICATIONS – No speakers.

ARTS AND CULTURE COMMISSION INTERVIEWS

The City Council will conduct interviews of applicants for the Arts and Culture Commission.
Interviews may result in an announcement of appointment at the meeting.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:30 p.m.

ROLL CALL
Councilmembers Abelson, Bridges, Jones, Potter and Mayor Moore
All members recorded as present.

7:30 p.m. CONVENE REGULAR CITY COUNCIL MEETING
Mayor Moore convened the City Council meeting at 7:35 p.m.
1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Mayor Pro Tem Jones.

2. **COUNCIL / STAFF COMMUNICATIONS**

   Councilmember Jones requested an update on a recent news article indicating that ammunition for public safety is becoming more expensive and harder to come by and that this is affecting officer training.

   Scott Kirkland, Chief of Police, stated that ammunition has gone up 30% last year, went up another 30% this year and is anticipated to increase another 30% next year due to the war and the cost of raw materials. Chief Kirkland stated that it is harder to obtain special ammunition, the department conducts bi-monthly training and that the lead time to obtain ammunition has increased and the department is not receiving its full allotment of shipments. The impact has been primarily financial and has not impacted training. Criminals use any ammunition they can find. When the police department confiscates ammunition it is generally a mixture of brands and not of the caliber that the Police Department would use.

   Mayor Moore made the following announcements:

   1. The City Council was very impressed with all of the candidates who interviewed for the Arts and Culture Commission. The City Council appointed Marly Norris and Dyana Bhandari to the Arts and Culture Commission for terms ending January 2009;

   2. This evening’s meeting will not be broadcast live through KRCT and that Comcast is working on the problem. The City will make every effort to make a copy of the meeting available on its website and copies of the DVD can also be obtained from the City Clerk;

   3. Mayor Moore reported on the Contra Costa Grand Jury report for 2006–2007. The Grand Jury looked into the Fire Protection Montage and whether the Fire Interagency Response Model is meeting its expectations. Reading from the summary, Mayor Moore reported that the Grand Jury concluded that most if not all glitches in the system are either being addressed by professionals or solutions are available. The Grand Jury does not believe it is necessary to alter the political landscape in West County to resolve operational differences to provide fire protection and emergency services. Credit must be given to the fire professionals who for decades to respond to the needs of the public without regard for political boundaries. The Grand Jury urges the West County Fire Departments to continue to work together to ensure the highest level of protection for residents and property. The Grand Jury applauds the political leaders who have allowed our Fire Departments to work in harmony with each other for many years.

   Mayor Moore stated that the real applause goes to our fire protection professionals who do the work and coordinate with each other and make our community safe. Mayor Moore also advised the Council and Public that there are other items addressed in the Grand Jury report and that it is available for review at the City.

   4. Mayor Moore also acknowledged receipt of a communication and a special large format book from the Hong Kong Economic and Trade Office which is also available for review. Hong Kong is celebrating the 10th anniversary of Hong Kong as a Special Administrative Region.
3. WORKSESSION

Public Safety and Video Surveillance – presented by Police Chief Scott Kirkland and Commander Michael Regan.

Provide direction to staff on Video Surveillance Systems for certain businesses within the City of El Cerrito.

Chris Tallerico, Richmond, stated that he attended a roundtable discussion offered by the City and was impressed with Chief Kirkland and Commander Regan. Mr. Tallerico encouraged the Council to move forward with the recommendation [to draft an ordinance] and said he hoped the City of Richmond would follow.

Scott Kirkland, Police Chief, began his presentation by informing the Council of a January 2005 tragedy that occurred at a gas station at Knott and San Pablo Avenue. The lone attendant was robbed at gunpoint and killed. The entire incident was captured on video however the video was of such poor quality that the suspect was unrecognizable even with professional enhancement of the video. Chief Kirkland stated that the City has a responsibility to do something. In the course of performing initial research, Chief Kirkland found one ordinance from Georgia. Chief Kirkland stated the objective of this program is to protect our business community and the consumer public from negative incidents and to aid the Police Department in the apprehension of criminal suspects. In April 2006 another robbery resulted in the murder of the owner, an innocent person, at the Red Onion Restaurant. City Manager Hanin identified the program as a top priority for the City and the Police Department. The City needs to start taking advantage of technology. Chief Kirkland thanked staff and particularly commanders Regan and Priebe for their assistance and stated that the City has a moral and ethical obligation to increase safety among all community members including the perception of safety. Chief Kirkland hope to bring forth a solid ordinance that will aid investigations and act as a deterrent through internal and external surveillance, for all unwanted activity. Chief Kirkland outlined his presentation in the following way:

Issues that the Police Department Hopes to Address. The City experiences a disproportionate number of Part 1 crimes. Without hesitation young people involved in crimes today have no emotional attachment to life itself. They pull a trigger without hesitation or realizing the consequences. El Cerrito needs to come up with something different. Technology is becoming better and more compatible and affordable. The Department is working on placing another link on the department’s webpage which would post photos and videos of individuals that have committed crimes and have not been identified. A majority of businesses have systems in place right now. Chief Kirkland is looking for standards that would act as a deterrent and allow for the arrest of those who commit crimes and emphasized that the city is not interested in monitoring activities or transactions.

Community Outreach. The issue has received a lot of press and the department has received many phone calls and inquiries. Chief Kirkland has been interviewed by KGO, KTVU, and a number of articles have been published. The issue was picked up by many national publications. Additionally, many security businesses are interested in partnering with the city. As part of its outreach program mailers were sent out to 500 businesses. The City conducted three different community meetings and issued press releases. Thirty people attended the meetings and the interaction was positive. Staff met with the Chamber of Commerce,
consulted with other cities and local agencies and met with industry experts.

**Video Surveillance Systems for Certain Businesses.** Chief Kirkland described certain businesses that the City recommends be required to install and maintain a video surveillance system of sufficient quality to aid in criminal investigations. Required business establishments have been identified as business which have a primary business as take-out food (38), Convenience Stores (2), Gas stations that sell food items, package stores, shopping centers, secondhand dealers, off-sale liquor business (15), firearms dealers (3), check cashing establishments (6), and banks (6).

**Statistics.** El Cerrito has a disproportionate amount of Part 1 Crimes. The department is trying to make an impact by using an additional tool to assist the department in solving a crime. Part 1 crimes in El Cerrito are double the state and national average. The City needs to do something and explore the possibilities of using additional tools. The statistics show that nationally, 75% of those involved in robberies are never caught, and that 40% involved in homicides and 87% involved in burglaries are never caught. It is a rare exception that robberies gone bad result in a homicide however the City has seen this occur three times.

**Obstructions to Case Clearance** occurs when there are no witnesses or witnesses are hesitant, there is inaccurate/incomplete suspect description, and a lack of evidence. These factors combined leave little or no investigative leads. If a suspect is identified, there is little evidence to aid in prosecution.

**The District Attorney's Perspective.** The District Attorney selects crimes they know they can win. If the Police Department is able to give additional evidence criminal suspects will be prosecuted to the fullest extent of the law. Video evidence aids in successful prosecutions and has a significant amount of jury appeal.

**Video Surveillance System Recommendations.** Michael Regan, Police Department Commander, discussed video surveillance system recommendations. Commander Regan spoke with many companies and specialists. Commander Regan recommended a Digital Video Recorder Based System as the most cost effective solution to providing video evidence in the event of a crime. Digital Video Recorders record images digitally and save them to a hard drive. Commander Regan also described desired standards and specifications including sufficient memory to store 30 days of footage to capture check and credit card fraud which is reported late, a 640x480 resolution, 40 GB of memory and the ability to produce a CDROM/DVD copy of footage. Deployment of cameras is very important. The department recommends separate cameras dedicated to the register – check out stand, entrance – exit, loading dock, and the parking lot or an area designed for customer and/or employee parking use.

**Mayor Moore** asked for clarification as to whether the ordinance would require the police or professionals to advise businesses or whether advice would be available as an option.

**Commander Regan** said the Police Department would like to look at installed systems quarterly or biennially to ensure it is working properly however, what is most important is that the system can produce images to the department's standards and specifications.
The Difference Quality Equipment and Installation Makes. Commander Regan introduced an enhanced video slide of an individual involved in a homicide. The suspect is still at large. Another slide was introduced of a robbery in which video technology was used to identify and arrest two suspects within 24 hours. Commander Regan also provided a listing of 7 cases aided by video evidence.

Financial Considerations. The average cost of a DVR ranges from $1,500 to $3,200. Cameras that meet proposed specifications start at approximately $250.00 each though each installation is unique. Commander Regan discussed financial considerations and various options available to businesses. There is the potential to develop a preferred vendor list. The department anticipates a one year implementation period to allow business to research and test systems and requests the ability to inspect camera systems to ensure systems achieve program goals. The department also requests a requirement that compliance be included in future development agreements.

Mayor Moore asked if the proposed ordinance would require compliance within one year of enactment and whether this would apply to new or existing businesses.

Commander Regan stated that the proposed ordinance would apply to existing businesses as well as new businesses working on occupancy standards. An exemption clause would be offered based on specific conditions and an appeal process would be established to address compliance issues. Additionally, the City may take up a financial assistance program for low interest loans, matching grants, and a preferred vendor list.

Chief Kirkland reported that a tragedy occurred on Belmont a few weeks ago and presented a picture that was taken within 20 minutes of the homicide at a store in a neighboring jurisdiction. The department obtained the image and had it digitally enhanced. Within six days the department impounded the vehicle as evidence and all four suspects were taken into custody. The suspects used the vehicle to commit the robbery and homicide.

Chief Kirkland commented on San Francisco's system and differentiated the city's proposal from what San Francisco was doing.

COUNCIL DISCUSSION

Mayor Moore asked for more information regarding financial assistance available from redevelopment funds.

Lori Treviño, Economic and Redevelopment Manager, reported that staff is currently researching various types of loan and grant programs. Ms. Treviño believes that a small fund or grant loans could be put together and stated she is looking at other cities that make small equipment loans and grants for models that the city can use.

Mayor Moore asked if any businesses identified by the Police are outside the redevelopment district.

Chief Kirkland reported that there might be a couple of businesses in this category but they may be exempt. Two residences have off-sale liquor licenses. They do internet business and would most likely be exempt.
Ms. Treviño reported that based on the partial list she had just reviewed, there is only one business outside redevelopment area, the 7-11 Convenience Store.

Councilmember Abelson asked for clarification regarding whether the off-sale license category applied to businesses which sell alcohol as their primary business or those which sell alcohol in addition to other things.

Chief Kirkland replied that he is referring to any store that has obtained an ABC Type 20 or 21 license. For example, Atlas, Jay Vec and Albertsons would fall into this category.

Councilmember Abelson asked if a restaurant that sells wine with meals would be exempt and also asked for the definition used for a shopping center.

Chief Kirkland stated that a restaurant would not have a Type 20 or 21 license from the Department of Alcohol and Beverage Control (ABC). The ABC has about 70 different types of classifications. Chief Kirkland also provided Council with the proposed definition for a shopping center.

Councilmember Bridges asked what would happen to businesses with a security system contract and whether they would incur penalties by changing vendors. Councilmember Bridges also asked if systems could be upgraded with live feed and whether the technology exists today and whether it could feed into the AC transit system.

Chief Kirkland said he would need to look at the contracts and also stated that there is the ability to create mesh networks. Chief Kirkland said his dream vision is to have camera systems feed into patrol cars once an alarm goes off so that officers can view a negative situation as it is occurring. Chief Kirkland emphasized the need to push for the long term and expressed compassion for the small business owners who could benefit from incentives or a low interest loan program.

Councilmember Bridges asked if the city would have jurisdiction over private placement.

Chief Kirkland replied yes.

Councilmember Bridges asked about arguments regarding an abuse of civil liberties and what kinds of safeguards would be put in place.

Chief Kirkland replied that privacy is a legitimate concern and expressed appreciation for the ACLU. Chief Kirkland emphasized that the current crime rate is unacceptable and that the City needs to take advantage of technology. The City is not asking for any cameras in private areas and stated that the majority of businesses have cameras already. One business in the plaza has 112 cameras installed, primarily for liability.

Alexander Abbe, Assistant City Attorney, stated that the City is not going to infringe on anyone's reasonable expectation of privacy. The City will avoid aiming cameras at areas of communication and focus on cash registers. Cameras will be placed in areas where people expect to see cameras and these areas will be posted with notices. Police are not monitoring transaction, camera images will only be supplied to police if an alarm is triggered or an incident is reported.
Councilmember Bridges remarked that it is startling to learn that crimes aren't prosecuted if there isn't video evidence.

Chief Kirkland replied that if there is additional evidence prosecution will be more successful. We need to take advantage of technology.

Mayor Pro Tem Jones asked who owns the technology and whether the data and information can be sold. Mayor Pro Tem Jones also asked if the ordinance will contain restrictions.

Mr. Abbe said he could look into the issue.

Chief Kirkland said the issue has never posed a problem and that he is not aware of any problems with businesses using data.

Mayor Pro Tem Jones commented on the idea of a preferred vendor. The Police have looked at this from every angle for the past two years and thanked the department for researching the issue. The City needs a good ordinance to withstand the tests and private industry has a ton of cameras in place already. Mayor Pro Tem Jones said he is encouraged by the involvement from businesses and the Police Department deserves the type of technology it needs to get the job done.

Councilmember Potter asked if any businesses in El Cerrito currently meet the proposed standards or whether the technology is so new that the City will be on the cutting edge.

Chief Kirkland replied that the city is proposing technology recommended by industry experts and that has been commonly accepted for the past year. The 7-11 store currently meets the specifications and is fully compliant. The biggest deficiency is with exterior parking lots.

Councilmember Potter requested clarification on exemptions for systems that go above and beyond and for businesses that fall under a category but whom mutually agree that a system is not necessary.

Chief Kirkland proposed that specifications be written in the form of a resolution and come back to council every two years for consideration.

Mr. Abbe, stated that a minimum floor which would be set which would allow for variation.

Mayor Moore asked Mr. Abbe to comment on whether or not the standards would be in the ordinance or a resolution.

Mr. Abbe said that staff favors standards setting standards by resolution due to the advancement and fluidity of the technology.

Councilmember Potter asked if due to the irregularity of city limits, the regulations would be applicable to business that affront San Pablo Avenue or apply to businesses partially in another jurisdiction. Councilmember Potter also asked for identification of the third firearms dealer and a specific definition of second hand dealers.
Mr. Abbe stated that the city did not have authority to regulate businesses outside the city limits however the city has jurisdiction over businesses that are partially within the city limits.

Chief Kirkland replied that the third firearm dealer was a private individual. Secondhand dealers are permitted and regulated by the state. A pawnbroker as well a business that purchases serialized goods from another is a secondhand dealer. The Guitar Center is a secondhand dealer.

Councilmember Potter stated that she had received questions from residents regarding what El Cerrito does on firearms control beyond the county regulations and asked for a report on this issue at a later due to the high risk nature of the activity.

Councilmember Abelson stated that there are a lot of car thefts in the BART lot and noted that BART is not covered in the city’s statistics.

Mr. Abbe, stated that the City did not have any authority over BART however it could work cooperatively with BART on installing cameras.

Chief Kirkland noted that the DMV was not covered either.

Councilmember Abelson expressed the need to work cooperatively with BART to reduce Part 1 crimes.

Chief Kirkland replied that the City is working with BART on many different levels. The DMV is also interested in [the implementation] of cameras. Cars are stolen throughout the jurisdiction on a consistent basis. The City can incorporate intersection cameras and open up dialog with Caltrans.

Mayor Moore asked if Nations would qualify as a primary takeout business and said she echoed Mayor Pro Tem Jones acknowledgement of the department’s thorough research and the amount of information presented to the Council. Mayor Moore said there will be a number of questions about the details, particularly system standards, camera placement and police inspections. Mayor Moore said the list of businesses seems reasonable and all the different elements discussed appear to be reasonable. She said she agreed with the notion that the city doesn’t have the authority to impinge on people’s privacy and said she did not want to see the ordinance try to manipulate federal or state privacy protections regarding image ownership. Mayor Moore said she would like to see a financial assistance program but the city needs to be careful and that she is interested in low-interest loans and grants, particularly matching grants. The City needs to plan for other businesses that may be outside the Redevelopment Agency in the future. Mayor Moore expressed her support of the program and asked that an ordinance be drafted for the September meeting.

Chief Kirkland replied that Nations would qualify as a primary takeout business.

Mayor Moore requested that the city conduct an educational campaign, perhaps a brochure and a specific mailing to businesses with helpful information.
4. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, thanked the Council and staff, especially public safety staff, for participation in the National Night Out event. The Community Center provided a way for the public to participate. Mr. Miller thanked the Council and City Staff for offering its time and support. Mr. Miller also spoke of the need for Stege Sanitary and the City to cooperate during the street program to provide incentives for timing of sewer lateral repairs to prevent degradation of the streets after the streets are repaired and/or paved.

Kent Berndt, El Cerrito, commented on the Design Review Board (DRB) meeting held on July 11 and the events that led up to the meeting. Mr. Berndt reported that in 2003 the city approved a duplex at 93234 Kearney Street over objections of some of the neighbors. The duplex was changed later to a condominium. In late 2006 the building was painted a bright yellow. Mr. Berndt referenced components of the general plan regarding new developments and read portions of a DRB staff report including a statement that staff guidelines must prevent depreciation and be appropriate to the design. Mr. Berndt also said he researched the December 6, 2006 DRB minutes and could not find mention of anyone taking credit for approval of the color. Mr. Berndt stated that the DRB asked staff at this meeting for the "materials board" and staff could not find it. The development appeared in the DRB minutes subsequent to December 6 in the context of staff or public comments but was never agendized. In June 2007 a member of the DRB inquired about the color of the site. In July, Mr. Berndt found out that a DRB member emailed staff in December for responses to some of Mr. Berndt's questions. Mr. Berndt said the responses were received in July and that seven months is too long to wait for an answer. Mr. Berndt asked the City Council suggest to the City Manager that he meet with staff working for volunteers and inform staff that they give better service to commissioners.

Mayor Moore stated that a DRB member was concerned that it took so long to receive responses to his questions and when staff provided responses they were unsatisfactory which resulted in a disruptive working environment for the DRB.

Councilmember Potter suggested that staff address the comment in a paragraph in the weekly update to bring Council up to speed.

Robert Brower, provided a written statement to the City Council and commented on the Fairmont-Portola issue. Mr. Brower reported that the School Board at its August 15 meeting adopted a resolution which started the process to declare the lower pad of Portola Middle School as surplus property for sale to the City. During the public hearing, Charles Ramsey, an El Cerrito resident and several speakers asserted that the Portola pad must only be sold to the highest bidder and emphasized that the city would not receive any preferential treatment on the sale. However, the state has enacted a statutory plan that whenever a school district declares a playground, like the lower Portola pad, as surplus property, the city within which the land may be situated has a right of first refusal to buy the property. The statutory sale price is set at fraction of the market value. The legislature believes that recreation and open space trump habitation. Mr. Brower provided a copy of the statutory plan to the city attorney and requests that the City Council adopt a resolution exercising its right to first refusal to buy the lower Portola pad at the statutory discount price.

Peter Loubal, El Cerrito, stated that last time he spoke he was escorted out by three police. Mr. Loubal cited a portion of the Council's Code of Conduct regarding engagement in effective communication. Mr. Loubal said it is not respectful to stonewall a resident's recommendations.
without comment. Mr. Loubal said the Council rejects debate and the only way to get a response is to report on individual shortcomings. Mr. Loubal said that he does not expect the Council to vote the way one wants but he believes in a participatory democracy and that full consideration needs to be given to issues. Mr. Loubal said he feels the need to exercise his First Amendment and Brown Act rights.

5. **ADOPTION OF THE CONSENT CALENDAR – Items 5A through 5C**

Moved, seconded, carried (Abelson/Bridges) to approve Consent Calendar items 5A through 5C. Vote: Unanimous

A. Approval of Minutes

The following minutes are submitted for approval:

1. March 11, 2007 Special City Council Goal Setting Worksession;
2. June 18, 2007 Special City Council Closed Session and Concurrent City Council and Redevelopment Meeting;
3. July 16, 2007 City Council Closed Session (2) and Concurrent City Council and Redevelopment Agency Meeting; and
4. August 6, 2007 Special Concurrent City Council and Redevelopment Agency Closed Session Meeting.

Action: Approved Minutes.

B. Claims Filed Against the City

1. Elizabeth Blade – Reject Claim No. GL–007513 per claims administrator.
2. Lionel Myles, Jr. – Reject Claim No. GL–007567 per claims administrator.


C. Consultant Services for Citywide Paving Program

Adopt a resolution authorizing the City Manager to execute an agreement with Associated Engineering Consultants, Inc. (AEC) in an amount not to exceed $140,395 and approve change orders up to $14,000 for the following scope: 1) The design, and preparation of plans, specifications, and estimates for “Fairview Drive, Ganges Avenue and Navellier Street Pavement Rehabilitation;” and 2) Program management of the city’s Pavement Management System in connection with the Streets Initiative.

Al Miller, El Cerrito, stated that there is an opportunity for Stege Sanitary and City Staff to coordinate efforts with constituents and electors. Stege has an ordinance that requires laterals be upgraded at the time of transfer of sale and it is the interest of everyone to repair laterals prior to paving.


6. **POLICY MATTERS**

A. Ohlone Greenway Master Plan

Adopt a resolution authorizing the City Manager to execute an agreement with a qualified
design consultant team as determined by staff in an amount not to exceed $125,000 to prepare a detailed concept plan for the Ohlone Greenway and approve change orders up to $23,000.

Melanie Mintz, Environmental Analyst, highlighted the virtues and opportunities offered by the Ohlone Greenway. Although overlooked, the Ohlone Greenway has the opportunity to contribute to the city's overall aesthetics and design quality. Staff feels the Greenway has the potential to frame and define our downtown and be considered as "the other avenue." The Kanaka Design Group was hired in 2005 to prepare a concept plan for the Greenway. The project had a small budget and the Design Group worked extensively with the Parks and Recreation Commission to identify issues and needed improvements along the Greenway. The plan was largely schematic and did not involve the larger El Cerrito community. It was also prepared prior to the city's knowledge of the BART earthquake retrofit and the damage that would be done to the Greenway. City staff has been working with BART to determine impacts to the Greenway such as detour plans and work with the disabled community. Design and engineering are being completed now with construction scheduled in 2009. The retrofit offers the city an opportunity to look at long term impacts with a fresh eye. BART has agreed to restore all damage to facilities and landscaped areas to their pre-existing conditions after the retrofit. BART has also agreed to consider substitution or re-configuring facilities and landscaping to better meet the city's needs as long as it is of equal value to what BART was intending to restore and as long as it doesn't create construction delays for BART. Staff would like the selected consultants to look at other opportunities such as safety, urban design, environmental, recreation and maintenance improvements. The process would include formation of a working group comprised of public works, public safety and economic development staff, Crime Prevention Committee, Parks and Recreation Commission, open space representatives and residents, non-motorized transportation users and representatives of the disabled community. Public meetings will be held to develop detailed plans including cost estimates. BART is on a quick timeline and needs plans by February, 2009.

COUNCIL DISCUSSION

Mayor Moore asked if the city anticipated Richmond or Albany being a part of the process.

Ms. Mintz replied not at this time. The Greenway from a transportation standpoint needs to be seamless however the contexts of the right-of-ways are somewhat different. Ms. Mintz said she would be pleased to notify both cities of the meetings if the Council desires. There is a difficulty with timing and the desire to conduct outreach with El Cerrito residents.

Mayor Moore asked staff to provide a courtesy to the other cities and inform them about what El Cerrito is doing and to keep them in touch with the process.

Mayor Pro Tem Jones requested clarification regarding the city's planning and design and asked for confirmation that BART has no interest in planning.

Ms. Mintz explained that BART is open to how the city proceeds and restoring to different conditions as long as restoration is of equivalent value. One of the complexities of this project is development of a phasing plan. Knowing BART's zones of impact, staff wants BART to restore, such conditions as grading and trail alignment in a consistent way. There may be several improvements that may not be able to be implemented for several years. Depending on the level of improvements the city desires, differences between what the city wants and what
BART is willing to pay may need to be supplemented.

Mayor Pro Tem Jones queried why the city is paying for planning in areas that BART has no interest in.

Ms. Mintz replied that BART is currently preparing plans, specs and estimates which are on-going. BART is accepting the city’s comments in an on-going fashion. Ms. Mintz is envisioning BART presenting a cost of what is needed to restore an area as is after the retrofit. The idea for planning originated with BART’s expression of frustration with issues arising from other communities.

Jerry Bradshaw, Public Works Director, added that BART has indicated that they wish to enter into a MOU or agreement that would formalize the conditions under which BART would encroach on the city’s greenway. So far BART has only agreed to sign off on a federal funding letter. When the city begins negotiating an agreement it wants to be in a position of knowing what the impacts and desires are to apply imagination to this opportunity.

Councilmember Abelson requested clarification regarding accommodations during the construction period and commented that there are not a lot of alternative routes on flat terrain. Councilmember Abelson emphasized the need to make sure plans and construction are in place for the disabled and those who use strollers prior to construction. Councilmember Abelson also inquired as to whether there would be a single path versus a double path and whether there is a dedicated funding source if the city wanted to spend more money than BART was willing to provide.

Ms. Mintz explained that BART has submitted 35% plans identifying detours and alternative routes. Staff has asked BART to host a public meeting to ensure routes are accessible. Ms. Mintz said that BART’s plans will probably be done in 12 months and that staff would come back to Council to discuss short term impacts. Ms. Mintz said the City would require that BART creates safe, accessible routes and will talk to the community about lane size. The city does not know at this point what funding BART will provide.

Mayor Moore said the Greenway is and should be a major investment for El Cerrito and encouraged all residents to see the Greenway as an asset.

Councilmember Abelson said that she appreciates staff’s effort and hopes the city proceeds as quickly as possible to meet BART deadlines with plenty of time to spare.

Action: Moved, seconded, carried (Bridges/Abelson) to adopt Resolution No. 2007-72.

B. Installation of Additional Red Curbing at Madera School

Adopt a resolution authorizing the Public Works Director/City Engineer to implement parking restrictions at the following locations:

1. No Parking Zone along the west curb of Key Blvd. at the intersection with Conlon Avenue, 20 feet immediately north of the curb ramp;

2. No Parking Zone at the intersection of Elm Avenue-Richmond Street at Blake Street as shown on Exhibit A; and
3. No Parking zones on the north side and green curb on the south side of Macera Drive in front of Madera Elementary School as shown on Exhibit B.

Jerry Bradshaw, Public Works Director, informed the Council that the item before the Council is the culmination of complaints the department had received from the community as well as requests from the Police Department. The three locations proposed for parking restrictions are in three different locations of the city. The objective is to improve visibility for pedestrians and enhance signage and provide alerts for auto drivers. Crosswalks will help define for kids where it is most safe to cross the street.

Mayor Moore requested clarification on the type of crosswalks and the criteria for when the crosswalks will be put in.

Mr. Bradshaw stated that there is no hard criteria in the traffic device guidebook. The crosswalks at Elm and Richmond will be cross hatched. The crosswalks at Madera will not be cross hatched.

Councilmember Potter asked if the residents on the corner of Richmond and Blake had been notified of the proposed change. Councilmember Potter said she was a little concerned about the procedure for letting residents know about proposed changes before they are considered.

Mr. Bradshaw said the residents had not been notified and that he will make contact with the resident prior to initiating work. Mr. Bradshaw said if there is a significant issue he will evaluate it. Normally, the department notifies residents if there is going to be a direct impact on their property and said the impact appears to more than initially evaluated.

Councilmember Potter reminded everyone that school starts on August 28 and it would be helpful to the work at Madera accomplished by this date.

Action: Moved, seconded, carried (Abelson/Bridges) to adopt Resolution No. 2007-73.

C. Stege Land Swap Agreement

Adopt a resolution authorizing the City Manager to execute a Land Exchange Agreement with Stege Sanitary District as approximately shown on Exhibit A – Area Map, and in substantially the same form as Exhibit B – Draft Land Exchange Agreement.

Mr. Bradshaw, Public Works Director, described the history of development of the idea for a Stege Land Swap, Stege Sanitary relocation site needs and the opportunity for the recycling center to have a consolidated site. The city commissioned appraisals for the land, an environmental assessment, title reports, a needs assessment for the corporation yard and a master site plan from VBN Architecture. There is a geological fault under the Stege property which has been deemed by the USGS as inactive and viewed by the city as constractive. The question now that due diligence is cleared, is whether it makes sense to engage in a land swap.

The city has looked at phasing and options and will allow the recycling center to move ahead. The baseline option if the recycling center moves ahead as planned in the CIP presents a cost estimate of approximately $3.5 million. For Option 2, if the city adds one layer to the option it would modestly increase the size of a few workstations, lunch, locker room and restroom facilities and house the administrative function of the corporation yard in the building, use the existing Stege site for storage and the police equipment area. The cost estimate would be...
approximately $4 million. The final option is $7.8 million which is out of reach at this point. Staff feels that the second option is within reach and has been included in the CIP project projections. Mr. Bradshaw stated that the proposed land exchange agreement is based on the feasibility of the Phase I approach and discussed the major deal points of the agreement including a solar access agreement involving tree removal as Stege would like to use solar energy on their building.

Councilmember Abelson requested clarification on where the city's facilities will be during construction and what the financial impact would be. Councilmember Abelson also asked about the expense of tree removal and whether there is a possibility of trees being planted elsewhere.

Mr. Bradshaw stated that he believes it will take 8 to 12 months for Stege to get their building ready to break ground, including bidding and design. Staff is confident that it can work in certain rear operating areas and Stege has been cooperative in helping the city work out other storage and security arrangements. Staff would need some offices as the recycling center is likely to be under the same design and construction schedule as Stege. There is a modular trailer that could be used for offices that would have to me moved. Mr. Bradshaw stated that there is whole set of site details that will need to be worked out.

Mayor Pro Tem Jones requested clarification regarding a reference in the staff report regarding an additional $500,000 needed to complete option one.

Mr. Bradshaw replied that the city had worked an amortization of the additional $500,000 into its financial modeling.

Moved, seconded, carried (Potter/Abelson) to suspend council rules and extend the meeting to 10:40 p.m.

Mayor Pro Tem Jones requested confirmation that the additional $500,000 was accounted for in the budget projection.

Mr. Bradshaw stated that going ahead with the deal did not commit the city to the additional $500,000. If the recycling center goes forward by itself, the city could occupy the Stege building rather than move the administrative staff across the street. The Stege building is a viable building.

Al Miller, El Cerrito, commented on the land swap as president of the Stege Sanitary District Board. Mr. Miller reported that the Stege Board voted at its last meeting to give its general manager the authority to engage in negotiating a land swap and execute an agreement. Stege believes that while some technical issues exist, the administrative details need to be put on paper and all the policy issues have been addressed and resolved. Mr. Miller commented on the alleged inactive fault under the Stege building and stated that geotechnical consultants for Stege and the city disagree with the city's assessment. If the swap failed, Stege would rebuild at the same site. Mr. Miller encouraged the City Council to support the agreement and noted that Stege has also selected VBN Architects so that the appearance of its building will be complimentary and compatible.
Mayor Pro Tem Jones said that he likes the idea for the site, particularly that it consolidates services and makes them more identifiable.

Councilmember Potter stated that the swap is a Win-Win situation and a positive step forward.

**Action:** Moved, seconded, carried (Abelson/Potter) to adopt Resolution No. 2007-74.

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

9. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Moore reported on a presentation by the Director of the Contra Costa Health Services Department at the Contra Costa Mayors' Conference concerning the department's approval of restaurants and other services provided by the department such as food safety and handling, ambulance services, and hazardous materials services. The Health Services Department offered to come to the city to discuss food handling and plan checks with building and planning officials. Mayor Moore invited staff to meet with the Health Services Department so the city can be proactive. Additionally, ABAG has adopted its housing numbers and the city has until September 18 to request revisions and ABAG has sixty days to provide a response. Mayor Moore announced the resignation of Christophe Laverne from the Design Review Board and announced a vacancy on the Board.

B. Mayor Pro Tem Jones announced the second San Pablo Avenue Specific Plan Committee meeting on August 30.

Moved, seconded, carried (Abelson/Bridges) to suspend council rules and extend the meeting to 10:50 p.m.

C. Councilmember Abelson reported that the Parks and Recreation Commission will be taking a tour of the city's parks at its upcoming meeting and also encouraged citizens to attend and serve on the Committee on Aging.

D. Councilmember Bridges reported that the Human Relations Commission is working with the School District on a Safe Schools Coalition-Sensitivity/Tolerance Program for students, parents and faculty. The Planning Commission discussed a project located at 10520 San Pablo Avenue, the old Alberts Nursery Site. The project involves an extension of its use permit regarding blight issues and has been continued to the Commission’s September meeting. Councilmember Bridges also reported that there was a lively discussion at the meeting involving blight and a representative of the developer accused neighboring businesses of dumping on the property. Additionally, on September 11 the city will conduct first CERT training for the fall session. The training will take place from 6:30 to 9:00 at the Arlington Clubhouse.

E. Councilmember Potter reported that the Arts and Culture Commission is working very hard on plans to celebrate California Arts Day which is recognized throughout California on the first Friday in October or October 5th this year. The kick-off celebration will be at the MC Gallery on San Pablo Avenue. The Commission is organizing other events on subsequent Friday nights in October in other gallery spaces and is also working with the El Cerrito Art Association. The Commission is working on a map and a list of all the events in October to celebrate the arts in El Cerrito.
SUPPLEMENTAL REPORTS AND COMMUNICATIONS

6B. Installation of Additional Red Curbing at Madera School
1. Map and Exhibits – submitted by the Public Works Department

C. Stege Land Swap Agreement
2. Parcel and Photographs(2) – submitted by the Public Works Department

Other
5. Hong Kong Special Administrative Region 10th Anniversary – submitted by the Hong Kong Economic and Trade Office.

10. ADJOURNED REGULAR MEETING at 10:50 p.m.

11. ANNOUNCEMENT OF CLOSED SESSION

Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)
City of El Cerrito v. Albany Unified School District
Contra Costa Superior Court, Case No. N07-1266.

CONVENE SPECIAL CLOSED SESSION MEETING

Mayor Moore convened the special closed session meeting at 10:53 p.m.

ORAL COMMUNICATIONS – No speakers.

POSSIBLE REPORT OUT OF CLOSED SESSION – No report.

12. ADJOURNED SPECIAL CLOSED SESSION at 11:15 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council Special, Regular and Special Closed Session meetings of August 20, 2007 as approved by the El Cerrito City Council.

Cheryl Morse, City Clerk

Letitia D. Moore, Mayor

Version: 9/20/2007