

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, September 20, 2016 – 7:00 p.m.
City Council Chambers

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

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:01 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Paul Keith, Interim Chief of Police, reported that there was a great turn out of people at the City's meeting regarding marijuana regulations. The city received a lot of good input which will be incorporated into proposals that will be presented to the Council in the future.

Councilmember Bridges announced that October 2016 is Arts Month and invited all to attend the October 1, 2016 kick-off event. Councilmember Bridges also recognized Chris Jones and Recreation Department staff for the 27 awards they received from Parents Press Newspaper. Councilmember Bridges also reminded all that Restaurant Week is coming up October 6-9. Several local restaurants are participating. There will be discounts and prizes.

Mayor Pro Tem Abelson reported that she participated in Contra Costa College's Presidential Investiture of Mojdeh Mehdizadeh as the College's 12th President on September 13. President Mehdizadeh has a lot of experience and depth and has done an amazing job at the College. The grand opening of new buildings on campus was also celebrated. As a member of the Contra Costa College Foundation Board who awards scholarships to individuals that are also raising families, Mayor Pro Tem Abelson said she hopes that the students of El Cerrito will take advantage of the opportunity to attend the College as part of their own educational growth. Mayor Pro Tem Abelson also joined Mayor Lyman in attending the Mayors Innovation Project Conference in Berkeley and commended Berkeley's entertainment district, including

the newly refurbished UC Theater which is a live entertainment venue now.

Mayor Lyman stated that he was impressed with a tool presented in beta version at the Mayors Innovation Conference that allows the public to track the progress of requests for service and various projects within a City. The tool allows for more interaction between what is seen on a daily basis and how to get things repaired. It was nice to see Mayors throughout the United States present. Mayor Lyman announced that he attended a screening of the film "Fix It, Healthcare at the Tipping Point" on August 20 at the Cerrito Theater. The event was well attended and included a lively discussion. On September 8 Mayor Lyman represented the city before the BART Board of Directors regarding the Memorandum of Understanding that was on the Council's August 16 agenda regarding studying the possibility of a transit-oriented development at the Plaza BART Station that includes a library. The BART Board was overwhelmingly positive. Mayor Lyman also attended Tri-City Safety Day on September 17 and thanked the Police and Fire Departments for their work and also thanked the Crime Prevention Committee for its outreach. The event was very interesting and well received by the public.

Councilmember Friedman thanked all the members of the community who worked to support the Sem family and the retention of All Star Donuts at El Cerrito Plaza. Councilmember Friedman also thanked Rick Radin for increasing awareness about the issue in the community by publishing an article in the East Bay Times. It is a victory for a hardworking family and a business that is a treasure our community.

Councilmember Quinto thanked the many people who signed a petition and worked together to support the treasure that is All Star Donuts and its owners and also thanked the personal activism of Ms. Briones. Councilmember Quinto also reported that he spoke to a diverse group of young students at a government class in the new general education building at Contra Costa College, also attended the grand opening of new buildings and congratulated Contra Costa College for getting it done.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Melanie Proctor, El Cerrito, said she would love to see a new library in El Cerrito but will vote no on Measure B.

Cordell Hindler, Richmond, stated that he will provide the City Clerk with information relating to Boards and Commissions, noted that there was an El Cerrito police car on his street, My Fair Lady at the Contra Costa Theatre, and that he supports a library at the BART station.

Ramon Briones, Richmond, thanked Mayor Lyman and Councilmember Friedman for their support of All Star Donuts and expressed his appreciation for Mr. Sem.

Sam Cheung, El Cerrito, thanked El Cerrito for keeping All Star Donuts in the community and also thanked Melanie Mintz, Community Development Director, Councilmember Friedman, Mayor Lyman and Rick Radin/East Bay Times, for their efforts. Mr. Cheung said he and his wife have lived in El Cerrito for almost 40 years and that he loves El Cerrito and how it has grown. He loves the Plaza, particularly the Farmers Market and supporting small businesses like All Star Donuts. Mr. Cheung thanked the City for defending the community and for its dedication and hard work.

Khamoria Sem, El Cerrito Plaza, thanked the City for supporting All Star Donuts.

Al Miller, El Cerrito, urged those who are using a community electronic forum for asking questions and commenting on the library measure to review information that is posted on the City's website or contact Karen Pinkos, Assistant City Manager.

Ron Rothbart, El Cerrito, member of Citizens Climate Lobby, spoke in support of Consent Calendar Item No. 5(D), the Carbon Fee Resolution.

Ben de Lumen, El Cerrito, spoke in support of All Star Donuts and commended the City Council for supporting it, particularly Councilmember Friedman.

Joy Gray, El Cerrito, said she and her husband take their finances very seriously and are disappointed with the proposed cost of the library. They would like to hear of other options that would give the City a great facility without adding a new parcel tax to her family's budget. Ms. Gray also said she is opposed to asking for a blank check without any plans and that the City left off the property tax on published materials.

Bill Kuhlman, El Cerrito, spoke on behalf of El Cerrito Restaurant Week. The event has been a great effort of collaboration between the El Cerrito Chamber of Commerce, Economic Development Advisory Committee and City Staff.

Paul Fadelli, El Cerrito, thanked the Council for setting a flexible option for the City to proceed with building a safe, modern library. There will be plenty of scrutiny for any option that is brought back to the Council should Measure B succeed. There is never an easy path to take for adequate funding of public infrastructure. It takes courage to take a stand and move a project forward. Mr. Fadelli says he supports Measure B so that the City can move forward with a library and will see if the voters agree with this approach. Mr. Fadelli says he looks forward to getting it done with a lot of public involvement.

Kendra Zien, Relay for Life, thanked the City Council for sponsoring the 2016 Relay for Life and also thanked the community for its participation. The event raised over \$25,000 and had the most participants in El Cerrito Relay's history. El Cerrito was a beacon of hope for cancer survivors, caretakers and those who have lost loved ones to cancer.

Gayanne Kanneian, Relay for Life Volunteer, stated that individuals supporting Black Lives Matter in Oakland walked the track with El Cerrito Police Officers.

Steve, Relay for Life Volunteer, said he was able to see a young girl bring a ray of hope back to her mother who is being treated for cancer.

Frank, Relay for Life Volunteer, thanked the City Council for their support of the event.

Jessica, Relay for Life Staff Member, thanked the City Council and stated that El Cerrito is providing hope to the community.

Forrest MacDonald, Relay for Life, thanked the City Council for its generosity and support. Mr. MacDonald challenged the Council to be as strong in 2017 as it was in 2016 and presented the City Council with an award on behalf of Relay for Life to commemorate the City Council's generosity and commitment to fighting cancer.

Georgina Edwards, El Cerrito, stated that she loves El Cerrito's community and sense of engagement. Ms. Edwards expressed her support for the vision and research that has been done to bring a safe, modern library to El Cerrito. Ms. Edwards says she knows the project will be well managed and will be fiscally

responsible and said her family looks forward to budgeting \$13 per month for the months to come should Measure B pass.

Rochelle Pardue-Okimoto, El Cerrito, stated that safety is the number one priority for the City and that she is disturbed that the current library does not meet seismic standards. There are many children at the library on a daily basis. Ms. Pardue-Okimoto asked how a cost can be put on computer literacy. Many people in the City do not have access to a computer in their homes. Ms. Pardue-Okimoto said she looks forward to building a community space for children and senior citizens to use in the future and that everyone needs to pull together to make it happen.

Nicholas Arzio, El Cerrito, expressed several concerns with Measure B. Mr. Arzio stated that Yes on B's ballot argument rebuttal did not address the opponents arguments but led with name calling. Mr. Arzio said when residents reach out and try to have dialogue that they do not get answers and that is why they will vote no on the measure. Mr. Arzio said the rebuttal says all the money goes to fund a library but the ordinance says that money may be spent on associated public facilities and the Frequently Asked Questions that was mailed to city residents does not state that Measure B is a tax.

4. PRESENTATIONS

A. 2016 EC STARS Internship Program

Receive a presentation regarding the 2016 El Cerrito Students Training and Ready for Success ("EC STARS") Internship Program – *Presentation by Suzanne Iarla, Assistant to the City Manager, Corey Mason, West Contra Costa Unified School District, and Interns Jeff Feng, Minhali Motiwala, Muhammad Arsalan, John Ly and Abia Syed.*

Speaker: Cordell Hindler, Richmond, said he was impressed by the presentation and that the program offers opportunity.

Action: Received presentation.

B. Better Bay Area Rapid Transit – Time to Rebuild

Update on BART system, current projects and funding, BART ridership and planning for the future – *Presentation by BART Directors Zakhary Mallett and Rebecca Saltzman.*

Pamela Stewart-Wagner, El Cerrito, asked when the 2004 bond will expire and whether there will be an expiration with the proposed bond measure.

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(L)

Moved, seconded (Friedman/Bridges) and carried unanimously to approve Consent Calendar Item Nos. 5(A) and 5(C) through 5(L) in one motion as indicated below. Item No. 5(B) was removed from the Consent Calendar for the purpose of allowing a short presentation from the Meals on Wheels and Senior Outreach Services / Falls Prevention Program Manager.

CITY COUNCIL ITEMS

A. Approval of Minutes

Approve the following meeting minutes: 1) August 16, 2016 City Council Closed Session and August 16, 2016 Regular City Council; 2) August 2, 2016 Regular City Council; and 3) July 19, 2016 Regular City Council.

Action: Approved minutes.

B. Falls Prevention Proclamation

Approve a proclamation declaring the week of September 19 to 25, 2016 as "Falls Prevention Awareness Week" in the City of El Cerrito and calling upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

Action: Removed from the consent calendar for the purpose of receiving a brief presentation from Alayne Balke, Fall Prevention Program Manager. Ms. Balke thanked the City Council for recognizing Falls Prevention Week.

Moved, seconded (Abelson/Quinto) and carried unanimously to approve the proclamation.

C. Domestic Violence Awareness Month Proclamation

Approve a proclamation declaring October 2016 as Domestic Violence Awareness Month and urging all residents to actively participate in efforts to end violence in our homes, in our schools, and in our communities.

Action: Approved proclamation.

D. Carbon Fee Resolution

At the request of Mayor Pro Tem Abelson, adopt a resolution: 1) Urging the United States Congress to enact without delay a revenue-neutral fee on carbon-based fossil fuels; 2) The fee rate should start low and increase steadily and predictably, to achieve the goal of reducing U.S. CO₂ emissions to 10% of 1990 levels by 2050; 3) All revenues from the fee should be returned to households to protect low and middle income Americans from the impact of rising prices due to the fee; 4) The international competitiveness of U.S. businesses should be protected by using border tariffs and refunds of the fee; and 5) The City Council directs the City Clerk to transmit copies of the resolution to Representative De Saulnier and Senators Boxer and Feinstein.

Action: Adopted Resolution No. 2016-69.

E. Proposition 67 Ban on Single-Use Plastic Bags Referendum

Adopt a resolution in support of Proposition 67, Ban on Single-Use Plastic Bags Referendum, which would be a position in favor of upholding SB 270, the contested State legislation regulating single-use carry-out bags.

Action: Adopted Resolution No. 2016-70.

F. Support for West Contra Costa Unified School District Measure T

Adopt a resolution in support of Measure T, the West Contra Costa Unified School District Parcel Tax Renewal, and encouraging the voters of the City of El Cerrito to review the language and arguments concerning Measure T and thereafter to cast their vote on Measure T at the November 8, 2016 election.

Action: Adopted Resolution No. 2016-71.

G. Support for BART's General Obligation Bond Measure to Fund BART's Safety, Reliability and Traffic Relief Program

Adopt a resolution in support of Bay Area Rapid Transit (BART) general bond measure for investment in the renewal of the BART system, and encouraging the voters of the City of El Cerrito to review the language and arguments concerning the measure and thereafter to cast their vote on the measure at the November 8, 2016 election.

Action: Adopted Resolution No. 2016-72.

H. Ratification of Appointment to the Oversight Board

Adopt a resolution ratifying the Mayor's appointment of Mark Rasiah, Finance Director/Treasurer, to the Oversight Board of the Successor Agency to the former El Cerrito Redevelopment Agency representing the former employees of the El Cerrito Redevelopment Agency.

Action: Adopted Resolution No. 2016-73.

I. Gilman/Tom Bates Sports Field Joint Powers Authority Alternate Appointment

Confirm the appointment of Mayor Lyman to represent the City of El Cerrito as its second alternate member on the Gilman/Tom Bates Sports Field Joint Powers Authority.

Action: Confirmed appointment of Mayor Lyman as alternate.

J. Crime Prevention Committee Appointment

Approve a Crime Prevention Committee recommendation to appoint Nathan DeClue to the Crime Prevention Committee, effective September 20, 2016.

Action: Appointed Nathan DeClue.

REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEMS

K. Amended Recognized Obligations Payment Schedule 16-17B

Adopt a Successor Agency resolution reviewing and authorizing submittal of an Amended Recognized Obligations Payment Schedule 16-17B (January 1, 2017-June 30, 2017).

Action: Adopted Successor Agency Resolution No. 2016-03.

L. Accept Former Redevelopment Agency Properties from the Municipal Services Corporation and Convey the Properties to the City of El Cerrito

That the City Council of the City of El Cerrito acting as the Governing Board of the Successor Agency to the El Cerrito Redevelopment Agency adopt a resolution accepting the conveyance of the following former Redevelopment Agency properties identified as: 1) Mayfair Block – 1925 Kearney Street, 11690 San Pablo Avenue; 11600 San Pablo Avenue; 2) Eastshore Block – 11335-41 San Pablo Avenue, 6111 Potrero Avenue, 1718 Eastshore Boulevard; and 3) Government Purpose Property – Civic Center 10930/10940 San Pablo Avenue, from the El Cerrito Municipal Services Corporation and approve the conveyance of the former Redevelopment Agency properties to the City of El Cerrito in accordance with the Successor Agency to the El Cerrito Redevelopment Agency Long Range Property Management Plan. *Exempt from CEQA.*

Action: Adopted Successor Agency Resolution No. 2016-04.

6. PUBLIC HEARINGS

A. Abatement of Fire Hazard Public Nuisances on Two Properties Pursuant to El Cerrito Municipal Code Chapter 16.26

Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private property designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

Presenter: Christopher Renshaw, Fire Captain/Fire Prevention Officer/Paramedic.

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Bridges/Abelson) and carried unanimously to close the public

hearing.

Action: Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Resolution No. 2016-74.

B. PL14-0171 El Dorado Townhomes Tentative Subdivision Map

Conduct a public hearing and upon conclusion adopt a resolution approving the Tentative Subdivision Map for Planning Application PL14-0171, including changes to the project proposed by the applicant. *Exempt from CEQA.*

Presenter: Sean Moss, Senior Planner.

Mayor Lyman opened the public hearing.

Applicant Presentation: Keith McCoy, Principal, Urban Community Partners.

Speakers: Rebecca Benassini, Former El Cerrito Councilmember, said she had been following this item and expressed concern for the former residents of Audiss RV Park and said she hoped they were doing well. Former Councilmember Benassini said she was very supportive of the project in its current form and noted that so many cities in the Bay Area are having deep conversations about affordable housing. The residents of San Francisco have taxed themselves to make affordable housing a community value. If the City really cares about affordable housing it will need to have a broad conversation about who will bear the burden of it. Former Councilmember Benassini said she looks forward to having that conversation.

Cordell Hindler, Richmond, said he enjoyed the presentation and hoped the Council will approve the project.

Robin Mitchell, El Cerrito, said the project continues to be a disappointment in its lack of options for different sized units as well as accessibility. The studio units are inadequate for a living space and two accessible units do not have covered parking spaces like the other units. Ms. Mitchell said the project moves in the direction of decreasing density and away from appropriate transit-oriented development. Additionally, the ramifications of the project for the previous occupants of the property at Audiss RV Park continue to play out. They are the most vulnerable citizens and we have not fulfilled our societal obligations to take care of them.

Howdy Goudey, El Cerrito, thanked the City Council for requesting more affordability and accessibility features for the project. There are many underutilized sites in El Cerrito that could have been chosen for development that would not have displaced people. The need for mitigation and the failure to apply the condo conversion ordinance reflects poorly on the developer. Mr. Goudey stated that both he and staff had provided different interpretations of the condo conversion ordinance for the City Council to consider. An expectation needs to be established that property rights also bring responsibility, including social obligations to the community as a whole. The project doesn't change density or opportunity it just changes who can live there. Mr. Goudey urged the Council to reject the project.

Dan Hardy, El Cerrito, said he has worked in affordable housing over the past several years and said the City has done a great job in affordable housing the past few years. Mr. Hardy stated that he supports the El Dorado Project. The City needs much more housing of all kinds. Mr. Hardy asked the City Council to do what it can to support infill transit housing like El Dorado and approve the project.

Sharon Maldonado, Berkeley, said 39 people lived at Audiss RV Park, were

displaced, and lost their affordable housing, including their trailers. Ms. Maldonado queried how the proposed units can remain affordable over time without a guarantee and asked the City Council to reject the proposal and address affordability.

Sidney Manchester-Jones, El Cerrito, said he is one of the displaced residents of Audiss RV Park and queried what affordability is. Mr. Manchester-Jones said the project comes down to conscience in terms of what is happening.

Keith McCoy, Applicant, stated that his team put together affordability by design in a small infill site. Although it was not legally required, it is a good compromise.

Moved, seconded (Friedman/Bridges) and carried unanimously to close the public hearing.

Action: Moved, seconded (Quinto/Bridges; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – Councilmember Friedman; Abstain – None; Absent – None) and carried to adopt Resolution No. 2016–75 as amended by Mayor Lyman to: 1) Add an additional condition of approval which states that the Covenants, Conditions and Restrictions for the project allow for no more than five of the units to be rented at any one time excluding the units that would be required by the El Cerrito Municipal Code to be deed restricted to have the owner occupy either the main unit or the accessory unit; and 2) Correct the resolution to indicate that the plans were shown to the City Council on September 20, 2016.

7. POLICY MATTERS – None

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

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

Mayor Lyman reported that he attended two Marin Clean Energy meetings regarding power purchases. The agency is moving forward with additional solar and wind power to increase the “Light Green” content. The Light Green content is moving up from 50% which will benefit everyone in the community. On September 1, the City hosted the Contra Costa Mayors Conference at the Mira Vista Country and Golf Club. Chris MacKenzie, Executive Director, League of California Cities, spoke at the meeting. Mr. MacKenzie is retiring at the end of October and emphasized the importance of continued support for the League.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 10:13 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS #1

Item No. 6(B) PL14-0171 El Dorado Townhomes Tentative Subdivision Map

1. Comments on the project – *Submitted by Rebecca Benassini, Former El Cerrito Councilmember.*
2. Comments in favor of the project – *Submitted by Jennifer Sobol, El Cerrito.*
3. Yes for the El Dorado Townhome Development – *Submitted by Ryan Call, El Cerrito.*

Other:

4. Comments regarding a no vote on Measure B – *Submitted by Laura Rogers Sievers, El Cerrito.*

5. Measure B concerns – *Submitted by Reed O'Brien, El Cerrito.*

SUPPLEMENTAL REPORTS AND COMMUNICATIONS #2

(Submitted at the September 20, 2016 City Council meeting)

Item No. 4(A) 2016 EC STARS Internship Program

6. Powerpoint presentation – *Submitted by Suzanne Iarla, Assistant to the City Manager.*

Item No. 4(B) Better Bay Area Rapid Transit – Time to Rebuild

7. Powerpoint presentation – *Submitted by Karen Basting, Principal Government and Community Relations Representative, San Francisco Bay Area Rapid Transit District.*

Item No. 5(B) Falls Prevention Proclamation

8. Brochure "Saving Lives – One Meal, One Ride or One Visit at a time – *Submitted by Alayne Balke, Fall Prevention Program Manager, Meals on Wheels and Senior Outreach Services, Walnut Creek.*
9. Brochure "Fall Prevention Checklist and Resource Guide" – *Submitted by Alayne Balke, Fall Prevention Program Manager, Meals on Wheels and Senior Outreach Services, Walnut Creek.*
10. Brochure "Enhancing the Quality of Life for Older Adults in Contra Costa County" – *Submitted by Alayne Balke, Fall Prevention Program Manager, Meals on Wheels and Senior Outreach Services, Walnut Creek.*
11. The IndeeLift Pancake Breakfast and Resource Fair to benefit Meals on Wheels and Senior Outreach Services – *Submitted by Alayne Balke, Fall Prevention Program Manager, Meals on Wheels and Senior Outreach Services, Walnut Creek.*

Item No. 6(B) PL14-0171 El Dorado Townhomes Tentative Subdivision Map

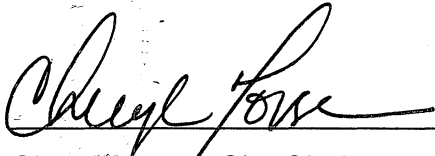
12. Email to City Council re: Response to 5828 El Dorado Staff Report for Sept. 20 – *Submitted by Melanie Mintz, Community Development Director.*

Other:

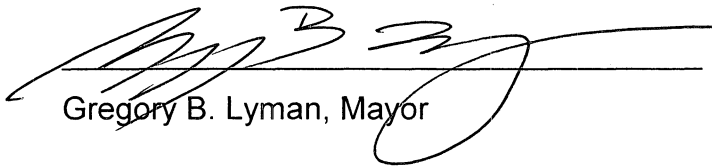
13. Award, Certificate and Brochures presented to the City of El Cerrito for its sponsorship and participation in 2016 El Cerrito Relay for Life – *Submitted by Laura Zien, Relay for Life.*
14. El Cerrito Restaurant Week Flyer – *Submitted by Bill Kuhlman, El Cerrito*
15. New College Center Ribbon Cutting & Presidential Investiture for Mojdeh Mehdizadeh – *Submitted by Mayor Pro Tem Abelson.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of May 6, 2014 as approved by the El

Cerrito City Council.

A handwritten signature in cursive script, appearing to read "Cheryl Morse", written over a horizontal line.

Cheryl Morse, City Clerk

A handwritten signature in cursive script, appearing to read "Gregory B. Lyman", written over a horizontal line.

Gregory B. Lyman, Mayor