

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, October 6, 2015 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Jan Bridges

Councilmember Janet Abelson
Councilmember Gabriel Quinto

ROLL CALL

Present: Councilmembers Abelson, Lyman, Quinto and Mayor Friedman.

Absent: Councilmember Bridges

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

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

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Councilmember Janet Abelson.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Abelson reported on her attendance at the September 30 – October 2, 2015 League of California Cities Annual Conference in which she is the City's delegate. She also attended League Policy Committee meetings. As a member of the Resolutions Committee she discussed and considered four League resolutions regarding the following topics: 1) Prolonged electrical outages involving Southern California Edison; 2) Ascension to the position of the League of California Cities President; 3) Over concentration of drug and alcohol recovery and treatment facilities in residential neighborhoods while respecting patient rights and legal obligations of public entities; and 4) Short term occupancy rentals such as Airbnb. Councilmember Abelson also reported on the presentation that State Librarian Greg Lucas, made to the Conference participants.

Councilmember Quinto reported that he also attended the League's Annual Conference and stated that many cities are considering a tobacco ordinance and noted that it is nice to see El Cerrito in the forefront of this issue. Councilmember Quinto also attended the Asian Pacific Islander Caucus with other mayors and councilmembers and the Sierra Club's Beyond Oil Conference in San Jose which was very informative and well attended. As the City's alternate to the Marin Clean Energy Board (MCE) Councilmember Quinto reported on his attendance at the MCE annual meeting. He is excited about the possibilities of other cities joining MCE and the success of high deep green enrollment in El Cerrito.

Mayor Pro Tem Lyman thanked Police Chief Moir and Fire Chief Maples for making resources available at the annual Tri-City Safety Day. The event was well attended by youth. Mayor Pro Tem Lyman stated that the MCE Executive Board recently voted to have a higher level of renewable energy as part of its portfolio. By 2025 MCE wants renewable energy to be eighty percent of its portfolio. This is thirty percent above the current target set by Senate Bill 350.

Mayor Friedman reported that he attended the Music for Madera fundraiser sponsored by the El Cerrito Trail Trekkers and the Arts and Culture Commission. It was a great event. Mayor Friedman also attended the West County Mayors and Supervisors Association. The Association received a presentation about a ferry terminal that will be built at the Craneway Pavilion and also discussed issues concerning the Metropolitan Transportation Commission's (MTC) proposal to take over the Association of Bay Area Governments (ABAG). The Association approved a resolution stating that discussions should take place about efficiencies and other issues without the threat of a hostile takeover.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Ruth Cazden, Chair, Arts and Culture Commission, encouraged all to attend the City's Annual Arts Day Festival on October 17, 2015. Chairperson Cazden stated that the City is in the forefront of promoting arts and culture.

Sidney Manchester-Jones, El Cerrito, stated that residents of Audiss RV Park are being displaced by money and power in the form of Mr. Biggs. Residents of the park are long term, permanent residents who have rights. Mr. Manchester-Jones stated that he is a senior citizen who is disabled and lives on a limited income. Mr. Biggs needs to prepare a resident impact report.

Jelina Pike, El Cerrito, spoke about the impacts of her family being evicted from her home at Audiss Park. There should be provisions in development agreements for displaced people or developers should be required to offer low cost housing nearby or make funds available [for displaced residents].

Glenda Markle, El Cerrito, spoke in support of the displaced residents of Audiss Park. Ms. Markle stated that rents are very high outside Audiss Park and asked the City to take communities like Audiss into consideration where people are like family and spend holidays together.

Ray Turnipseed, El Cerrito, stated that there is a traffic problem in his neighborhood at Navellier and Gladys. Mr. Turnipseed stated the neighborhood needs speed humps and traffic controls. Mr. Turnipseed said he was told by staff that there would be a traffic study completed by September and was told recently that it would not be done. Mr. Turnipseed stated that people need to be treated fairly and seriously. The City Council needs to take an interest in this issue and take control. There are going to be 600 people at the new middle school.

James Todd Bennet, El Cerrito, stated that the Castro Neighborhood group is having trouble understanding who the Council is supporting – the Castro Park Neighborhood or the School District? Mr. Bennet stated that there needs to be substantive effort put forward to protect what is left of the neighborhood. With interlocking Memoranda of Understanding it is difficult to see who the City is representing. The Neighborhood is concerned about preserving park access and parking. The School District doesn't have a plan for parking. There are not enough parking places for school staff on campus and not enough discussion about the kid drop-off zones.

Nick Gallore, El Cerrito, spoke in support of the Audiss Park residents and requested preparation of a resident impact report.

Ronnie Polonsky, El Cerrito, spoke in support of the Audiss Park residents and said the City should provide low cost housing for the residents. Ms. Polonsky suggested that the City Council study the issue and come back with a plan.

Sharon Maldonado, Berkeley, stated that the Audiss residents are a marvelous group. The City needs a demolition plan or ordinance that will preserve the ability of people to remain in the City. Ms. Maldonado expressed concerns with the resident impact report and asked the City to see if the developer can provide some low income housing at the Audiss Park site.

Thad Smith, El Cerrito, expressed concerns about the loss of affordable and low cost housing in the City and stated that based on the property tax Mr. Biggs pays for the site, it is not an undue burden on Mr. Biggs to provide compensation for the Audiss residents.

Al Miller, El Cerrito, invited all to the Rotary Club's Sip and Savor fundraiser event. Some of the proceeds will go to the Library Foundation. The Rotary Club donated \$11,000 to the Library Foundation last year.

Arlin Robins, El Cerrito, stated that the City is allowing Audiss residents to be displaced because they are low-income in exchange for higher property taxes. Ms. Robins challenged the City Council and staff to look into what alternatives exist for Audiss residents. Maybe the City Hall parking lot near the Police Department could be turned into a park with a tiny home community area. Ms. Robins stated that it is possible to find a way to give Audiss residents a new home in the city.

Ms. Robins also expressed her support for Consent Calendar Item No. 5C, the Freedom from Workplace Bullies Proclamation.

Nicholas Arzio, El Cerrito, urged the City Council to treat the Audiss Park residents reasonably and fairly. Mr. Arzio said it is strange to see, that with the City's Housing Element, that 31 parcels that function as affordable housing will be replaced with 27 luxury condominiums.

Helene Maxwell, Oakland, spoke in support of the Audiss Park residents. Ms. Maxwell stated that Audiss Park is not an RV Park. The residents are not transient, but are permanent. Some residents have lived at the trailer park for more than 20 years. Audiss residents need to be afforded the same rights as mobile home park residents because Mr. Biggs has been operating Audiss Park as a de facto mobile home park.

Howdy Goudey, El Cerrito, expressed support for the Audiss Park residents and questioned whether there is a legal liability associated with the owner misrepresenting the operation of the site and whether the city failed to enforce correct use of the site. The owner, city, and developer have an incentive to get together and do the right thing. This is a moral matter. Someone needs to step up and say that it is wrong to displace people of lower income for people with higher income for the profit of others.

Mayor Friedman stated that the City Attorney and staff have put a lot of time into the Audiss Park issue and that he has a meeting with residents and advocates next week. Mayor Friedman noted that the comments of the residents and those who care about the residents is heartfelt.

4. PRESENTATIONS – None

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

Moved, seconded (Lyman/Abelson; Ayes – Councilmembers Abelson, Lyman, Quinto and Mayor Friedman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to approve Consent Calendar Item Nos. 5A and 5C through 5F in one motion as indicated below. Consent Calendar Item No. 5B was removed from the Consent Calendar by Mayor Friedman and voted on separately as indicated below.

A. Minutes for Approval

Approve the September 15, 2015 Regular City Council meeting minutes.

Action: Approved minutes.

B. Tobacco Retailer Licensing Program Ordinance

First reading September 15, 2015 with amendments. Vote Unanimous: Ayes – Councilmembers Abelson, Bridges, Lyman, Quinto and Mayor Friedman; Noes – None; Abstain – None; Absent – None.

Adopt Ordinance 2015–08 amending El Cerrito Municipal Code Title 6 “Business Permits and Regulations” by adding a new Chapter 6.100 “Tobacco Retailer License Program, repealing Section 19.20.210, amending Section 19.46.060(D) and Table 19.07-A.

Jacqueline Aranda, El Cerrito, spoke in support of the tobacco retailer ordinance, said she looks forward to implementation of the program and thanked the City Council for prioritizing the health of youth in El Cerrito.

Mary Jaccodine, Contra Costa Tobacco Coalition, congratulated the City on the tobacco retailers licensing ordinance, noted that it will become a model for other cities and thanked the City for all of its hard work. Ms. Jaccodine stated that the Coalition would like the City Council to reconsider some of the ordinance provisions and that the current ordinance does not capture the strength of the City Council’s current commitment. Issues in the ordinance that the Coalition asked the City Council to reconsider are: 1) The two year implementation period; 2) Grandfathering clauses and separation requirements; and 3) Exception for new retailers contained in the 1000 foot separation between tobacco retailers.

Action: Removed from the Consent Calendar at the request of staff for the purpose of considering a revision to Section 6.100.340 of the ordinance. Moved, seconded (Lyman/Quinto; Ayes – Councilmembers Abelson, Lyman, Quinto and Mayor Friedman; Noes - None; Abstain – None; Absent – Councilmember Bridges) and carried to adopt Ordinance 2015–08 as approved on September 15, 2015, including administrative changes made to footnotes 3 and 4. *Effective January 1, 2016.*

C. Proclamation Declaring October 18-24, 2015 as Freedom from Workplace Bullies Week

Approve a proclamation declaring October 18-24, 2015 as Freedom from Workplace Bullies Week in the City of El Cerrito and commending the California Healthy Workplace Advocates and the Workplace Bullying Institute, which raise awareness of the impacts of, and solutions for, workplace bullying in the United States; and encouraging all residents in the City of El Cerrito to recognize this special observance.

Action: Approved proclamation.

D. Proclamation Declaring October 2015 Domestic Violence Awareness Month

Approve a proclamation declaring October 2015 as Domestic Violence Awareness Month in the City of El Cerrito 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.

E. Grant Co-Sponsorship to the El Cerrito Library Foundation

Adopt a resolution authorizing the City Manager or his designee to grant co-sponsorship status to the El Cerrito Library Foundation.

Action: Adopted Resolution No. 2015-63.

F. Contract with New World Systems for Licensing, Maintenance and Support

Adopt a resolution authorizing the City Manager to enter into a Standard Software Maintenance Agreement (SSMA) with New World Systems (NWS) to provide software licensing, maintenance and support services in an amount not to exceed \$314,580 through October 31, 2020.

Action: Adopted Resolution No. 2015-64.

6. PUBLIC HEARINGS

Adoption of an Active Transportation Plan, Including Mitigated Declaration and Mitigation Monitoring and Reporting Program

Conduct a public hearing and upon conclusion adopt a resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and adopting the Active Transportation Plan.

Presenter: Yvetteh Ortiz, Public Works Director and Carrie Nielson, Senior Transportation Planner and Project Manager, Fehr and Peers.

Mayor Friedman opened the public hearing. Four speakers.

Speakers: Tom Panas, El Cerrito, stated that he strongly supports the Plan as proposed.

Howdy Goudey, El Cerrito, spoke in support of the Plan and stated that he is very complementary of its visionary aspects. Mr. Goudey said that he is concerned that there is a heavy reliance on lower quality bicycle facilities and that the City needs to go beyond the sharrows and bike boulevards to increase the number of bike riders on the road. The City needs to be more expansive and more bold to encourage bike ridership.

Paul Fadelli, El Cerrito and BART, commended the City Council for the Active Transportation Plan and its efforts to make transit easier to get to. Mr. Fadelli said BART is working on improving accessibility by making transit easier so people will get out of their cars and that BART looks forward to working with the City in the future. El Cerrito is making a great, innovative step forward.

Al Miller, El Cerrito, spoke in support of extra provisions for bicycle and pedestrian safety and protection around schools, particularly new school locations.

Action: Moved, seconded (Friedman/Abelson; Ayes – Councilmembers Abelson, Lyman, Quinto and Mayor Friedman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to appoint Councilmember Abelson and Mayor Pro Tem Lyman to a Council subcommittee to review the Active Transportation Plan with staff to address any concerns they may have and continue the public hearing to a future meeting of the City Council.

7. POLICY MATTERS - None

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS - No reports

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

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

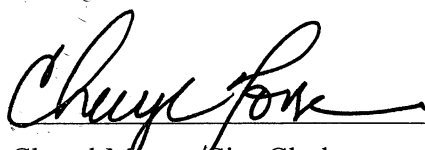
Item No. 5(B) Ordinance Establishing a Tobacco Retailer License Program

1. Revised Ordinance – Submitted by Suzanne Iarla, Assistant to the City Manager.
2. Comments urging strengthening of certain provisions in the ordinance – Submitted by Mary Jaccodine, Co-Chair, Contra Costa Tobacco Prevention Coalition.

Item No. 6 Adoption of Active Transportation Plan, including Mitigated Declaration and Mitigation Monitoring and Reporting Program

3. Powerpoint presentation – Submitted by Yvetteh Ortiz, Public Works Director.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the regular meeting of October 6, 2015 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Mark Friedman, Mayor