

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, July 21, 2015 – 6:15 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, July 21, 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

6:15 p.m. ROLL CALL

Present: Councilmembers Abelson, Bridges, Quinto and Mayor Friedman

Absent: Mayor Pro Tem Lyman

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Mayor Friedman convened the Special City Council meeting – closed session at 6:15 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9 of the California Government Code: One potential case.

RECESSED INTO CLOSED SESSION at 6:16 p.m.

ADJOURNED SPECIAL CITY COUNCIL MEETING – CLOSED SESSION at 6:58 p.m.

ROLL CALL

Present: Councilmembers Abelson, Bridges, Quinto and Mayor Friedman

Absent: Mayor Pro Tem Lyman

7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

Mayor Friedman 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 Councilmember Jan Bridges.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Friedman reported that the City Council had met in closed session prior to the regular City Council meeting and provided direction to staff.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, stated that he is still concerned about El Cerrito Police officers driving on his street. Mr. Hindler also stated that he is an outreach coordinator for the City of Richmond who is part of an effort to get high school students together for a youth leadership academy and also noted that he remains concerned about people hanging around businesses in his area. He also stated that the rents in El Cerrito are unacceptable.

Julia Heath, Contra Costa Climate Leaders (CCCL), informed the City Council and public about funding opportunities related to energy efficiency. Ms. Heath also congratulated the City Council for joining the Property Accessed Clean Energy Program (PACE). CCCL has a new PACE agent named "Why Green?" Many cities in Contra Costa County are in the process of approving "Why Green?" Ms. Heath also provided information regarding Pacific Gas and Electric Company's (PGE) "on-bill" low cost financing program for energy upgrades.

Valerie Snider, El Cerrito, resident and homeowner in the Castro Park neighborhood, expressed concerns with the new Korematsu Middle School and Castro Park. Ms. Snider asked the City to take a role in issues associated with the new middle school including traffic, bus routes and drop-off sites and advocate for the community's use of the park. The School District, when it sold the idea for a middle school, asserted that the park would not be affected. Ms. Snider asked the Council to work with the community to ensure that the quality of life that attracted people to the neighborhood initially, continues.

Ray Turnipseed, El Cerrito, submitted a petition for the installation of two speed humps on Navellier Street between Gladys Avenue and Potrero Avenue to increase safety and protect and preserve the quality of life in the Castro Park neighborhood. Mr. Turnipseed stated that he was informed that studies would need to be done and funding would have to be allocated prior to the City making a determination about the installation of speed humps. Mr. Turnipseed queried why a speed hump was placed on Norvell Street when none of the residents wanted it. Mr. Turnipseed asked the City Council to ask why he does not receive a response to requests for information when he visits or calls City Hall.

Brigitta Turnipseed, El Cerrito, expressed concerns with changes to Castro Park, particularly the cutting down of trees without notice and construction that is occurring at the park and asked for support for residents' access to the Park. Ms. Turnipseed also stated that residents have a right to know what is going on when it impacts the neighborhood.

James Tom Bennett, El Cerrito, addressed a proposal for one hour restricted parking in the Castro Park area that would run from Navellier to Manila Street down to Potrero Avenue and Potrero to Everett Street, Everett to Manila and Manila to Navellier and the internal streets inside of this area. The proposal was made to the Planning Department and rejected. The School District has not done anything to address the parking problems that are going to exist for its staff, parents dropping off children, vendors and anyone else coming on to the premises.

Sidney Manchester-Jones, El Cerrito, stated that he is an eight year resident of the Audiss Recreational Vehicle (RV) trailer park. The RV park is being sold by Mr. Biggs to a developer who will build 27 townhomes on the site. Mr. Manchester-Jones expressed

concerns with the notice he received from Mr. Biggs to vacate in two months. Mr. Manchester-Jones went to a Legal Aid attorney and feels that Mr. Biggs is required to prepare a resident impact report for people that may have problems re-locating elsewhere.

Ronnie Polonsky, El Cerrito, spoke in support of a minimum wage in El Cerrito. Ms. Polonsky stated that a UC Berkeley representative found that adopting a minimum wage law has been beneficial to the cities who have done it. Cities have noticed an increase in business revenue because workers have more money to spend.

Nicholas Arzio, El Cerrito, spoke in support of a minimum wage in El Cerrito and announced a list of elected officials, committees, business owners and community members who are supporting the El Cerrito Democratic Club's resolution encouraging the City Council to adopt a local minimum wage ordinance in El Cerrito by January 2016.

Howdy Goudey, El Cerrito, thanked Mayor Friedman for responding to questions related to the 1715 Elm Street development project. Mr. Goudey stated that although he received acknowledgement from the Council he was disappointed that there has not been any engagement regarding the substance of the concerns raised by him, particularly concerns relating to 100 year stormwater and flood standards. Mr. Goudey stated that he hopes Council is working with staff to assure the best outcome for the community.

Jordan Herrmann, El Cerrito, requested that the City Council adopt a noise control ordinance. The State has an Office of Noise Control that can assist cities who wish to adopt an ordinance. Mr. Herrmann said that dumpsters in his neighborhood are being picked up and dumped as early as 4:30 a.m. and it is quite noisy.

Susan Schwartz, Friends of Five Creeks, stated that this volunteer group has worked nineteen years in El Cerrito. Ms. Schwartz thanked the City, particularly Fire Chief Maples and stated that the group just completed a successful grant for broom removal. Ms. Schwartz also stated that there is a clear and ongoing need for written maintenance policies.

Alice Merola, El Cerrito, expressed concerns with changes to Castro Park, impacts to the neighborhood and traffic safety in the area. Ms. Merola stated that the School District had promised her during early planning discussions that Castro Park would be maintained for the community. Ms. Merola asked the City to work with the community.

4. PRESENTATIONS

A. Proclamation Honoring the Rosenberg Family – *Presentation by Chris Jones, Recreation Director.*

Approve a proclamation declaring the City Council's gratitude and appreciation for Marvin, Dorothy, Mary and Barr Rosenberg for their generous gift of open space and park land to the City of El Cerrito, its residents and visitors, for all time and reaffirming its commitment to use this property only according to the terms set forth in the Marvin Rosenberg Trust and Resolution No. 2003-108.

Presenter: Chris Jones, Recreation Director.

Action: Moved, seconded (Bridges/Abelson; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to approve the proclamation. *Mayor Friedman announced that presentation of the proclamation would occur at a future date.*

B. Contra Costa County Sheriff's West County Detention Facility – *Presentation by Tom Chalk, Captain, Contra Costa County Sheriff's Office.*

Receive a presentation regarding the Contra Costa County Sheriff's proposal to build a new 140,000 square foot, 418 bed facility at the West County Detention Facility located in the

City of Richmond. Programming space will comprise 20,000 square feet of the proposed facility.

Action: Received presentation.

C. AC Transit Service Expansion Plan and Planned Outreach – Presentation
by Robert Del Rosario, Director of Service Development, AC Transit.

Receive a presentation regarding specific improvements planned for the 72 bus line and other AC transit lines.

Presenters: Robert Del Rosario, Director of Service Development, AC Transit and Stephen Newhouse, Transportation Planner, AC Transit.

Cordell Hindler, Richmond, stated that he would like to see more 72R rapid buses stop at City Hall to serve more travelers, particularly teens and senior citizens.

Tom Panas, El Cerrito, stated that he is excited to hear that the 72R service is going to be expanded with increased frequency. Mr. Panas also expressed his hopes for bus service from El Cerrito Plaza to the Community Center and up and down the hill to the north end of town. This would do a lot to get people out of their cars and would also help pedestrians. Mr. Panas also stated that it was not clear whether the sales tax proposal for Measure J would extend or raise the tax.

Action: Received presentation.

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

Moved, seconded (Bridges/Abelson; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to approve the Consent Calendar in one motion as indicated below.

A. Minutes for Approval

Approve the June 23, 2015 Special City Council meeting minutes.

Action: Approved minutes.

B. Agreement with St. Francis Electric for Street Light and Signal Maintenance Services

Adopt a resolution authorizing the City Manager to execute an agreement with St. Francis Electric for an annual cost not to exceed \$31,800 to provide street light and signal maintenance services for a period of three years, with an option to annually extend three years thereafter, effective August 1, 2015.

Action: Adopted Resolution No. 2015–51.

C. Tree Committee Appointment

Approve a Tree Committee recommendation to appoint Yan Linhart to the Tree Committee, effective August 10, 2015.

Action: Approved recommendation.

D. Crime Prevention Committee Appointment

Approve a Crime Prevention Committee recommendation to appoint Mollie Hazen to the Crime Prevention Committee, effective August 12, 2015.

Action: Approved recommendation.

E. Reauthorize and Increase Funding for the Older Americans Act 2015

At the request of the Committee on Aging, authorize Mayor Friedman to send a letter to the City's federal representatives urging support for the reauthorization and increased funding for the Older Americans Act.

Action: Approved recommendation.

6. PUBLIC HEARINGS

A. Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems

Conduct a public hearing and upon conclusion, introduce by title, waive any further reading and approve an ordinance allowing expedited permitting procedures for small residential rooftop solar energy systems. (*Exempt from CEQA*).

Presenter: Margaret Kavanaugh-Lynch, Development Services Manager.

Mayor Friedman opened the public hearing.

Speakers: Howdy Goudey, El Cerrito, stated that he is in favor of streamlining the solar permitting process. Mr. Goudey reported that two solar installers were present at an Environmental Quality Committee sponsored film showing and discussion and commented that El Cerrito was a challenging city to interface with for permitting and that one of the contractors would not take jobs in El Cerrito. Mr. Goudey said he hoped the City could facilitate permitting in the most expedient way possible.

Moved, seconded (Bridges/Abelson; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to close the public hearing.

Action: Moved, seconded (Bridges/Abelson; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to approve Ordinance No. 2015-05. *Second reading scheduled for August 18, 2015.*

B. Floodplain Management Ordinance Update

Conduct a public hearing and upon conclusion, introduce by title, waive any further reading and approve an ordinance updating the Floodplain Management Regulations. (*Exempt from CEQA*).

Presenter: Margaret Kavanaugh-Lynch, Development Services Manager.

Mayor Friedman opened the public hearing.

Speakers: Jordan Hermann, El Cerrito, expressed concerns with the poor condition of Cerrito Creek, the possibility of a one-hundred year storm and potential flooding conditions.

Fernando Mariscal, El Cerrito, stated that he owns property on Belmont Street that flooded in 1969. The property is located three steps from the street and water tapped the last step before going into the house. The bottom units that set level with the street had water inside them.

Tom Panas, El Cerrito, expressed concerns regarding Definition 33 of the ordinance. There were three important resources preserved within the last few years. None of the structures would have been preserved if the incomplete definition of an historic resource stated in the ordinance had been the rule in El Cerrito. The proposed resource omits the provision that protects almost all historic resources. Mr. Panas suggested revised language for the ordinance that would protect historic resources. Mr. Panas also noted that the title of the ordinance had changed from "Flood Hazard Area" to "Floodplain Management Ordinance" and that the ordinance no longer appears to be relevant outside the Federal Emergency Management Agency (FEMA) established zone, particularly in the area along Colusa Avenue bordering the cemetery. The ordinance should apply to any area in town that is subject to flooding not just the FEMA flood zone west of San Pablo Avenue. Mr. Panas urged the City Council to direct the staff to revise the ordinance so it applies to all areas in

town that experience periodic flooding.

Howdy Goudey, El Cerrito, stated that the City needs to be very cognizant of its flood hazards and be attentive to making good decisions to address problems. Mr. Goudey asked why the title was changed and whether it was required by FEMA. Mr. Goudey stated that the City needs to be more inclusive and strengthen the focus and title of the ordinance and broaden the scope if possible.

Moved, seconded (Bridges/Abelson; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to close the public hearing.

Action: Moved, seconded (Abelson/Bridges; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to approve Ordinance No. 2015–06 as amended to modify El Municipal Code Section 8.35.030(33) to add subsection e to state “Determined, by a person who meets the Secretary of the Interior’s standards, to appear to be eligible for listing on a local register of historic resources, the State Register of Historical Resources, or the National Register of Historic Places.” *Second reading scheduled for August 18, 2015.*

C. Fire Hazard Abatement

Staff requests the City Council: 1) Adopt a resolution declaring weeds, rubbish, litter or other flammable material on certain real property as identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26. (*Exempt from CEQA*).

Presenter: Christopher Renshaw, Fire Captain/Paramedic.

Action: Moved, seconded (Abelson/Bridges; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to adopt Resolution No. 2015–52 declaring weeds, rubbish, litter or other flammable material on certain real property as identified in the resolution, including a revised Exhibit A, constitutes a public nuisance.

Mayor Friedman opened the public hearing. No speakers.

Moved, seconded (Bridges/Abelson; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to close the public hearing.

Moved, seconded (Bridges/Quinto; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to adopt Resolution No. 2015–53, including a revised Exhibit A, overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

7. POLICY MATTERS

A. Ordinance Establishing the Measure A Swim Center Parcel Tax Rates for Fiscal Year 2015-16

Introduce by title, waive any further reading and approve an ordinance establishing the Measure A Swim Center Parcel Tax rates for Fiscal Year 2015-16, at the maximum authorized rate of \$58.46 per single family residential unit, \$45.00 per multifamily residential unit, and \$410.00 per acre of non-residential property to address maintenance needs of the

Swim Center facility and generate additional funds for future capital projects. (*Exempt from CEQA*).

Presenter: Christopher Jones, Recreation Director.

Action: Moved, seconded (Quinto/Bridges; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to approve Ordinance No. 2015–07. *Second reading scheduled for August 18, 2015.*

B. Tax and Revenue Anticipation Notes

Adopt a resolution approving the borrowing of funds for Fiscal Year 2015-16 and the issuance and sale of 2015-16 tax and revenue anticipation notes, “TRAN.” Incorporated into the resolution is the authorization of the City Manager to execute an agreement to sell the TRAN in an amount not-to-exceed \$5,000,000 and authorize staff to enter into agreements with NHA Advisors and Jones Hall, as bond counsel, to prepare and execute appropriate legal documents related to said financing.

Presenter: Lisa Malek-Zadeh, Finance Director.

Action: Moved, seconded (Abelson/Bridges; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman) and carried to adopt Resolution No. 2015–54.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Councilmember Abelson reported that she has been really busy discussing the possible extension of Measure J, the transportation tax. The potential measure would be on the ballot in 2016.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:05 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(C) AC Transit Service Expansion Plan and Planned Outreach

1. Powerpoint presentation Plan/ACT Routes and Schedules – *Submitted by Robert Del Rosario, Director of Service Development, AC Transit.*

Item No. 6(B) Floodplain Management Ordinance Update

2. Map – *Submitted by Margaret Kavanaugh-Lynch, Development Services Manager.*
3. Comments regarding ordinance revisions – *Submitted by Tom Panas, El Cerrito.*

Item No. 6(C) FIRE HAZARD ABATEMENT

4. Revised resolution exhibits (Attachments 5 and 6) – *Submitted by Chris Renshaw, Fire Captain/Paramedic.*

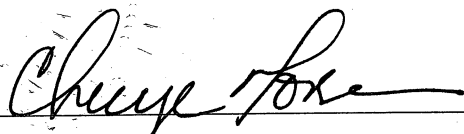
Other/Items Not on the Agenda:

5. Castro Park and New School Site – *Submitted by Peggy Wilcox and Greg Visineau.*
6. Brochure “Contra Costa Climate Leaders: Planning for our Future” – *Submitted by Julia Heath, Contra Costa County Climate Leaders.*
7. PGE On-Bill Financing for Energy Efficiency Upgrades - *Submitted by Julia Heath, Contra Costa County Climate Leaders.*
8. Sample resolution – City of Lafayette consenting to inclusion of properties within the City’s jurisdiction in the California Home Finance Authority Community Facilities

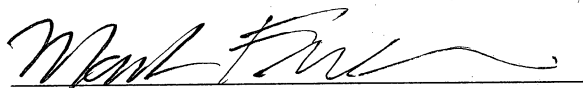
District No. 2014-1 (Clean Energy) to finance renewable energy improvements, energy efficiency and water conservation improvements and electric vehicle charging infrastructure and approving associate membership in the joint exercise of powers authority related thereto – *Submitted by Julia Heath, California Climate Leaders.*

9. Petition Request Form for Neighborhood Traffic Management Program – *Submitted by Ray Turnipseed.*
10. El Cerrito needs written maintenance policies including annual inspection for creeks and other “natural areas” – *Submitted by Susan Schwartz, Friends of Five Creeks.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Special City Council – Closed Session and Regular City Council meetings of July 21, 2015 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Mark Friedman, Mayor