

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, March 17, 2015 – 6:30 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, March 17, 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

6:30 p.m. ROLL CALL

Councilmembers Abelson, Bridges, Lyman, Quinto and Mayor Friedman

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Friedman convened the Special City Council meeting at 6:31 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – *No speakers.*

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.

Action: Interview conducted. The City Council, by unanimous consent, endorsed Orlandus Waters' reappointment as El Cerrito's representative to the West Contra Costa County Unified School District Citizens' Bond Oversight Committee.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 6:57 p.m.

ROLL CALL

Councilmembers Abelson, Bridges, Lyman, Quinto and Mayor Friedman

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 Mayor Pro Tem Lyman.

2. **COUNCIL / STAFF COMMUNICATIONS**

COUNCIL COMMUNICATIONS

Councilmember Bridges reported on her attendance at the Contra Costa Mayors Conference on March 5, 2015. The Conference received a presentation from Concord Police Chief Swanger and staff regarding the Contra Costa Family Justice Center. Councilmember Bridges also informed the public that the Tree Committee is actively seeking additional members who may be interested in joining the Committee and encouraged those that are interested to submit an application. The Committee meets on the second Monday of each month at 7:00 p.m. in City Hall.

Councilmember Abelson reported that AC Transit is expanding services. The 72R bus line which runs along San Pablo Avenue is now running on weekends. The 72R makes less stops and allows one to arrive at a destination more quickly. AC Transit is also doing other planning and is encouraging public input through its website, actransit.org. Once on the website select the topic "major corridor study."

Mayor Pro Tem Lyman reported that Pacific Gas & Electric Company (PG&E) has applied for a rate increase to raise \$654,000,000 to install cables and the Company's own chargers at various vehicle charging stations. Southern California Edison (SCE) is running the wire to the locations and allowing independent operators to install charging stations and obtain payment from vehicle owners. In PG&E's case all ratepayers are now subsidizing the infrastructure for electric vehicles. Community Choice Aggregation customers will cover \$8.2 million and will see a 1.1% increase in rates as a result of PGE. Marin Clean Energy (MCE) has sent a second notice out to the public to ensure that residents are aware of choices in purchasing electricity. MCE is very excited to have El Cerrito on board.

March 27, 2015 is the deadline for submitting an application to become a member of the Contra Costa Grand Jury. The application is online at www.cc-courts.org/grandjury or call (925) 957-5638. Applications are also available from the City Clerk.

Resources for Community Development (RCD), the operator of the Ohlone Gardens Project, is taking pre-applications for 1-3 bedroom apartments located at 6496 Portola Avenue. Applications can be obtained from <http://rcdhousing.org/our-properties/new-communities>.

STAFF COMMUNICATIONS

Government Finance Officers Association Distinguished Budget Presentation Award / Certificate of Recognition for Budget Preparation

The Distinguished Budget Presentation Award is the highest award in governmental budgeting and is presented to governmental units whose budgets are judged to adhere to program standards.

Scott Hanin, City Manager, reported that the award received from the Government Finance Association of the United States and Canada is the highest budget award and is very competitive.

Mayor Friedman congratulated City Manager Hanin, Finance Director Lisa Malek-Zadeh and the Financial Advisory Board for their part in winning the award.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Alex DiGiorgio, Community Development Manager, Marin Clean Energy, stated that El Cerrito has shown an unprecedented level of enthusiasm for one hundred percent renewable opt-outs. Mr. DiGiorgio provided a brief enrollment update and announced the dates, times and locations of upcoming community meetings.

4. PRESENTATION

A. Crime Prevention Committee Workplan – *Presentation by Catherine Krueger, Crime Prevention Committee Chair and Eugene Go, Crime Prevention Committee Member.*

Receive a presentation regarding the Crime Prevention Committee's accomplishments, goals and workplan.

Action: Received presentation.

B. Environmental Quality Committee Workplan – *Presentation by Mark Miner, Environmental Quality Committee Chair.*

Receive a presentation regarding the Environmental Quality Committee's accomplishments, goals and workplan.

Action: Received presentation.

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

Moved, seconded (Abelson/Lyman) and carried unanimously to approve Consent Calendar Item Nos. 5A through 5H in one motion as indicated below. Item No. 5I was withdrawn from the Consent Calendar at the request of City Manager Hanin and rescheduled to April 7, 2015.

A. Minutes for Approval

Approve the February 14, 2015 Special City Council and February 17, 2015 Regular City Council meeting minutes.

Action: Approved minutes.

B. Prescription Drug Abuse Awareness Month Proclamation

Approve a proclamation recognizing March 2015 as Prescription Drug Abuse Awareness Month as enacted by state law in April 2013, and encouraging all residents to actively participate in prevention programs and activities and safely store and dispose of their medications on a continual basis. The City Council encourages all community members to pledge, "Spread the Word...One Pill Can Kill."

Action: Approved proclamation.

C. March is American Red Cross Month Proclamation

Approve a proclamation proclaiming March 2015 as American Red Cross Month in the City of El Cerrito and encouraging all residents to support this organization and its noble humanitarian mission.

Action: Approved proclamation.

D. Annual Parcel Assessment for NPDES Program and Drainage Maintenance

Adopt a resolution establishing the annual parcel assessment for the National Pollutant Discharge Elimination System (NPDES) and Drainage Maintenance Program at the current rate of \$38.00 per Equivalent Runoff Unit (ERU), and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area levies based on said amount.

Action: Adopted Resolution No. 2015-14.

E. Priority Development Area Planning Grant – Cooperative Funding Agreement PDA.8.EC

Adopt a resolution authorizing the City Manager to execute a Cooperative Funding Agreement PDA.8.EC between the Contra Costa Transportation Authority (CCTA) and the City of El Cerrito to fund the Priority Development Area (PDA) planning grant to develop the El Cerrito San Pablo Avenue PDA Implementation Plan.

Action: Adopted Resolution No. 2015–15.

F. West Coast Code Consultants Contract Amendment

Adopt a resolution authorizing the City Manager to amend the professional services agreement between the City of El Cerrito and West Coast Code Consultants in an amount not to exceed \$25,000 bringing the total contract to an amount not to exceed \$50,000 and to extend the term of the agreement through June 30, 2015.

Action: Adopted Resolution No. 2015–16.

G. Environmental Quality Committee Appointment

Approve an Environmental Quality Committee recommendation to appoint Rebecca Milliken, Tracie Mackie and Paloma Pavel to the Environmental Quality Committee, effective April 14, 2015.

Action: Approved recommendation.

H. Committee on Aging Appointment

Approve a Committee on Aging recommendation to appoint Steve Lipson to the Committee on Aging, effective March 17, 2015.

Action: Approved recommendation.

I. Quarterly Investment Report for Period Ending September 30, 2014

Receive and file the City's Quarterly Investment Report for the period ending September 30, 2014.

Action: Withdrawn at the request of the City Manager.

6. PUBLIC HEARING – None

7. POLICY MATTERS

A. Amend Professional Services Agreement with Trust for Public Land to Waive or Reduce the Professional Services Fee

Adopt a resolution amending the Professional Services Agreement with Trust for Public Land for service provided in conjunction with the acquisition of the Madera Hillside Natural Area Property (APN 505-142-014, -012 and -013). Due to information available at the time the agenda bill went to print, there are two resolutions attached with the following two separate options: 1) One resolution waives the \$100,000 professional services fee authorized by Resolution No. 2013–39; 2) The second resolution authorizes the City Manager to enter into an agreement to share 50% of the net proceeds of any future sale of a private lot (APN 505-421-029), up to \$100,000.

Presenter: Melanie Mintz, Community Development Director.

Speakers: Brandon Moriarty, Trust for Public Land Manager of Bay Area Protection Program, stated that the project was a phenomenal success in every way. The Madera property has been saved. The Hillside areas are now united into a mile long single area

within walking distance of tens of thousands of people. This \$600,000 project is going to cost the City only \$125,000 and Measure WW funds representing an eighty percent discount off the cost of the project. Approximately half of the purchase is covered by a National Park Service grant which the Trust for Public Land (TPL) helped secure. Additionally, 275 individuals in the community contributed \$100,000 to the effort. Major credit goes to Gary Hill, Dave Weinstein, Pam Austin and others involved in the fundraising that made this possible through their tireless effort over the past year and a half. Mr. Moriarty gave special acknowledgement to the Zurinsky family, a close friend of the TPL family in New York, who made a generous \$25,000 to the campaign. The lot given to TPL by the owners of the Madera property allowed TPL to waive its fee. The project was complex, time consuming and costly. Mr. Moriarty thanked the City Council for the opportunity to join in partnership and congratulated the City Council on its new park.

Gary Hill, El Cerrito, stated that he helped Mr. Weinstein head up the Hillside Open Space fundraising campaign. Purchasing the property would never have happened without TPL who attended all the campaign committee meetings and provided expert advice. TPL's professionalism and passion for open space inspired the committee members to keep going. Purchase of the property resulted from a unique collaboration of talented and resourceful individuals, professionals, conservationists, outdoor enthusiasts, Friends of Five Creeks, mountain bikers and others who had vision, determination and optimism. Mr. Hill also thanked the City Council and city staff and expressed special appreciation for Councilmember Lyman who met with Mr. Hill in 2013 and initially saw the potential for purchasing the property.

Mary Barkey, El Cerrito, read a statement on behalf of Dave Weinstein, who thanked the City Council for working so closely with the community to preserve and expand open space in El Cerrito. There are other endangered parcels that could also be made part of the Hillside Natural area. Councilmember Bridges was thanked for challenging the open space campaign to double its fundraising goal. The fundraising campaign met its goal thereby preserving Measure WW funds for other uses in the City. The support from residents and business was strong. Ms. Barkey said that Mr. Weinstein wished he could thank very donor and noted the strong support of East Bay Sanitary Company, TPL, the Zurinsky family, Marty and Chris Connor, Rotary Club, Gary Hill and the Mountain Bike group, Susan Schwartz and Friends of Five Creeks, volunteers who made calls and the musicians and environmental organizations who donated their time at the Hillside Music Festival. The Open Space fundraising campaign gave birth to two festivals – Hillside Festival and Music for Madera Open Space.

Carol Langhauser, El Cerrito, thanked Jenny Hammer for pursuing the “stairs to nowhere.” Ms. Hammer researched property ownership in Martinez, got ahold of TPL and got the whole ball rolling.

Mark Miner, El Cerrito, thanked Councilmember Bridges for challenging the fundraising committee to raise \$100,000 and also thanked the City's volunteers who cut weeds in a very controlled way to encourage native plants to establish deep roots.

Al Miller, El Cerrito, thanked TPL as well as the City Council and its predecessors for having the political courage, confidence and vision in the project and the residents of El Cerrito and city staff for putting the program together.

Ann Lehman, El Cerrito, expressed appreciation for all those who raised funds and contributed to the open space campaign. Ms. Lehman congratulated the City of El Cerrito for its citizens who spoke so loudly about hiking, trails, beauty and non-development and also thanked the City Council for listening to its citizens and acknowledging their wishes.

Ralph Boniello, El Cerrito, thanked the City for collaborating with TPL and the community organizers and also thanked the open space campaign, particularly Gary Hill, Dave Weinstein, Pam Austin, Vicky Nolan and everyone who worked and contributed to the campaign. Mr. Boniello thanked TPL for it has done with administrating the purchase and getting the grant funding. Mr. Boniello said it has been exciting to see the community come together to make the open space addition happen and see the interest in stewardship continue. Most stewardship endeavors are accomplished through the efforts of community volunteers, including Friends of Five Creeks and El Cerrito Trail Trekkers. There is still much stewardship work to be done in the Hillside Natural Area and it is more than community volunteers can do by themselves. Management plans for the Hillside Area commissioned by the City in the past sit on the shelf waiting to be done. Mr. Boniello stated that he hopes the plans will be implemented because the community cares about the Hillside Natural Area and open space in general.

Susan Schwartz, Friends of Five Creeks, stated that she seconded everything that had been said, particularly Mr. Boniello's statement regarding the need for stewardship. Ms. Schwartz urged the City Council to enjoy the new property and all of the wildflowers that are in bloom. She also referred the public to www.fivecreeks.org for more information.

Pam Austin, El Cerrito, stated that it was a great pleasure and opportunity to work with neighbors and community members as treasurer of the open space campaign. Ms. Austin noted that everyone has full time jobs and did the fundraising in their spare time. Most of the donations came from people who live in El Cerrito and in nearby communities. Ms. Austin thanked the City Council, staff and TPL for all of their support, encouraged other people to get involved in this type of effort and stated that she looks forward to the next opportunity to contribute to El Cerrito.

Action: Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Resolution No. 2015-17 amending agreement with TPL waiving the \$100,000 professional services fee authorized by Resolution No. 2013-39.

B. Property Assessed Clean Energy Financing Program (PACE)

Staff requests the following actions: 1) Adopt a resolution authorizing the City of El Cerrito to become a member of the California Statewide Communities Development Authority Joint Powers Authority (CSCDA), subject to the execution of an amended and restated joint exercise of powers agreement with the CSCDA; 2) Adopt a resolution authorizing the City to join the CaliforniaFIRST Property Assessed Clean Energy (PACE) Program, provided through the CSCDA Joint Powers Authority, subject to the execution of an agreement for the CaliforniaFIRST program to indemnify the City; 3) Adopt a resolution authorizing the City to join the Open PACE Program, provided through the CSCDA Joint Powers Authority; 4) Adopt a resolution authorizing the City to become a member of the Western Riverside Council of Governments Joint Powers Authority (WRCOG) and participate in the California HERO program, subject to the execution of an agreement for the California HERO Program to indemnify the City; and 5) Adopt a resolution authorizing the City to become a member of the California Enterprise and Development Authority Joint Powers Authority (CEDA) and participate in the Figtree PACE program. *Exempt from CEQA.*

Presenter: Emily Alter, Community Development Analyst/Consultant. Ms. Alter noted that Exhibits A and B to Attachment 9, the resolution approving associate membership by the City in the California Enterprise Development Authority, among other actions, was before the Council on the dais this evening as supplemental documents.

Speakers: Al Miller, El Cerrito, offered a suggestion based on his experience with Stege Sanitary District, that the City might consider having businesses doing work associated with the PACE Program register with the City as an extra service for city residents.

Actions: 1) Moved, seconded (Abelson/Bridges) and carried unanimously to adopt Resolution No. 2015-18 authorizing the City of El Cerrito to become a member of the California Statewide Communities Development Authority Joint Powers Authority (CSCDA), subject to the execution of an amended and restated joint exercise of powers agreement with the CSCDA.

2) Moved, seconded (Lyman/Quinto) and carried unanimously to adopt Resolution No. 2015-19 authorizing the City to join the CaliforniaFIRST Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the incorporated territory of the City; and authorizing related actions.

3) Moved, seconded (Abelson/Bridges) and carried unanimously to adopt Resolution No. 2015-20 authorizing the City to join the Open PACE Program, provided through the CSCDA Joint Powers Authority.

4) Moved, seconded (Bridges/Abelson) and carried unanimously to adopt Resolution No. 2015-21 authorizing the City to become a member of the Western Riverside Council of Governments Joint Powers Authority (WRCOG) and participate in the California HERO program, subject to the execution of an agreement for the California HERO Program to indemnify the City.

5) Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Resolution No. 2015-22 approving associate membership by the City in the California Enterprise Development Authority; Authorizing and directing the execution of an associate membership agreement relating to associate membership of the City in the Authority; Authorizing the City to join the Figtree PACE Program; Authorizing the California Enterprise Development Authority to conduct contractual assessment proceedings and levy contractual assessments within the territory of the City of El Cerrito; and authorizing related actions.

C. Mid Year Budget Update

Staff requests the following: 1) Receive an update on year-end results for Fiscal Year 2013-14 that ended on June 30, 2014; 2) Receive an update on city revenues and expenditures for the first seven months of the fiscal year through January 2015; and 3) Adopt a resolution authorizing adjustments to the Fiscal Year 2014-2015 budget.

Presenter: Lisa Malek-Zadeh, Finance Director.

Action: Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Resolution No. 2015-23 as revised.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Mayor Pro Tem Lyman reported that he will be representing El Cerrito at the next West County Integrated Waste Management Authority Board (IWMA) meeting. The IWMA will be discussing the distribution of recycling revenues and the rate reserve fund. The reserve was funded by the sale of recyclables from the Integrated Resource Recovery Facility (IRRF). From 2002 to 2013 there was approximately \$36 million of recyclables that came to

RecycleMore during that period of time. About \$33 million was returned to residents in the area as a rate reduction however El Cerrito did not benefit from that rate reduction. Some of the \$36 million was generated from out of area sales. About 26% was generated as a result of El Cerrito participating in the Joint Powers Authority and El Cerrito should be getting a percentage of its portion of the 26% of the \$36 million. Mayor Pro Tem Lyman wrote a letter to the IWMA Board and Executive Director on the City's behalf expressing El Cerrito's hope that the discussions that will occur on March 19, 2015 will take into consideration that El Cerrito has not benefitted from any rate reductions for the last 13 years and that the City looks forward to having the other jurisdictions consider this as a matter of equity as El Cerrito's ratepayers paid for the construction of the IRRF including having it in El Cerrito's rate structure for thirty years and the fact that the facility generated revenue. El Cerrito residents should benefit from the out of area sales. The City's consultant provided an analysis that states that the amount is between \$800,000 and \$1.4 million.

Mayor Friedman reported that he met with the President of the East Bay Municipal Utilities District Board of Directors Frank Mellon and Director Andy Katz who provided an update on the drought and implications for El Cerrito residents.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:45 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 7(B) Property Assessed Clean Energy Financing Program (PACE)

1. Attachment 9, Exhibit A to Resolution regarding joining CEDA and Opt-In Figtree Program – *Submitted by Emily Alter, Community Development Analyst.*
2. Attachment 9, Exhibit B to Resolution regarding joining CEDA and Opt-In Figtree Program – *Submitted by Emily Alter, Community Development Analyst.*

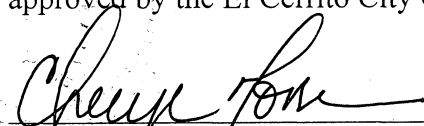
Item No. 7(C) Mid Year Budget Update

3. Revised Resolution – *Submitted by Lisa Malek-Zadeh, Finance Director.*
4. Powerpoint Presentation – *Submitted by Lisa Malek-Zadeh, Finance Director.*

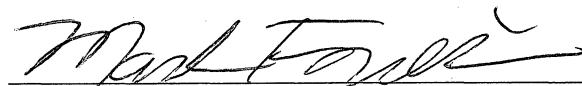
Other:

5. Brochure "Some wildflowers of the El Cerrito Hillside Natural Area" – *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 meeting and Regular City Council meeting of March 17, 2015 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Mark Friedman, Mayor