

# EL CERRITO CITY COUNCIL

## MINUTES

**CITY COUNCIL MEETING**  
**Tuesday, April 1, 2014 – 7:00 p.m.**  
**City Council Chambers**

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

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini  
Councilmember Jan Bridges

Councilmember Mark Friedman  
Councilmember Greg Lyman

### ROLL CALL

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

7:00 p.m.

### CONVENE CITY COUNCIL MEETING

Mayor Abelson convened the regular City Council at 7:12 p.m.

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

### 2. COUNCIL / STAFF COMMUNICATIONS

Mayor Pro Tem Benassini announced existing vacancies on Boards, Commissions and Committees and encouraged interested residents to consider submitting an application. Applications can be downloaded from the City's website or by calling the City Clerk.

Councilmember Lyman announced that the Arts and Culture Commission is co-hosting a free event featuring the Lucas Valley Chamber Orchestra on April 13, 2014.

Mayor Abelson reported on a meeting she attended regarding the PG&E Pathways project which involves tree removal across the county, her attendance at the Contra Costa Commission's Womens' Wall of Fame dinner in which Rita Xavier from the City of San Pablo was honored. Mayor Abelson also attended El Cerrito Royale's Open House which included the opening of a new Alzheimer's Disease Memory Care Wing.

### 3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, Director, Stege Sanitary District, expressed support for Consent Calendar Item No. 5(G) Senate Bill 1014 – Safe and Convenient Medication Disposal.

Tom Panas invited the Council and public to an El Cerrito Pioneers Reception sponsored by the El Cerrito Historical Society and complimented staff on the budget meetings held

throughout the City this month.

Dave Weinstein, El Cerrito Environmental Quality Committee (EQC), spoke in support of Consent Calendar Item 5F: Assembly Bill 1504 – Preventing Toxic Cigarette Waste.

Chris O'Dea, expressed concerns regarding safety on the Ohlone Greenway.

#### **4. PRESENTATION**

##### **A. Introduction of Keenan Associates – *Presentation by Steve Gedestad, Municipality Practice Leader and Briana Overgaard, Account Manager***

Keenan, the City's new insurance broker, serves the insurance and benefit consulting needs of public agencies. Mr. Gedestad and Ms. Overgaard will provide a brief update on the Affordable Care Act and the Covered California program.

**Action:** Received presentation.

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

Moved, seconded (Friedman/Lyman) and carried unanimously to approve Consent Calendar Item Nos. 5A through 5I in one motion as indicated below.

##### **A. Minutes for Approval**

Approve the March 18, 2014 Regular City Council meeting minutes.

**Action:** Approved minutes.

##### **B. Reschedule the April 15, 2014 City Council Meeting to April 22, 2014**

Cancel and reschedule the April 15, 2014 Regular City Council meeting to Tuesday, April 22, 2014 due to a conflict with the public and staff's observance and celebration of Passover.

**Action:** Approved recommendation.

##### **C. Authorize Annual Report for Landscape and Lighting Assessment District for Fiscal Year 2014–15**

Adopt a resolution directing NBS Local Government Solutions (NBS) to prepare and file the annual Landscape and Lighting Assessment District No. 1988–1 report for Fiscal Year 2014–15.

**Action:** Adopted Resolution No. 2014–06.

##### **D. Annual Parcel Assessment for the National Pollutant Discharge Elimination System (NPDES) Program and Drainage Maintenance**

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

**Action:** Adopted Resolution No. 2014–07.

##### **E. STOP Sign on Everett Street at Portola Drive**

Adopt a resolution authorizing the Public Works Director/City Engineer to install a STOP sign on Everett Street at Portola Drive. *Exempt from CEQA.*

**Action:** Adopted Resolution No. 2014–08.

##### **F. Support for Assembly Bill 1504 – Preventing Toxic Cigarette Waste**

Authorize Mayor Abelson to sign and send letters to Assemblymember Stone and other appropriate legislators and legislative bodies in support of Assembly Bill 1504 (AB 1504) preventing toxic cigarette waste to prohibit single-use plastic “filters” in cigarettes sold in

California.

**Action:** Approved recommendation.

**G. Support for Senate Bill 1014 – Safe and Convenient Medication Disposal**

Authorize Mayor Abelson to sign and send letters to the authors and other appropriate legislators and legislative bodies in support of Senate Bill 1014 (SB 1014) requiring producers of pharmaceuticals to create, finance and manage a collection system for California consumers to safely and conveniently take back unwanted pharmaceuticals.

**Action:** Approved recommendation.

**H. Support for Senate Bill 1086 – The Safe Neighborhood Parks, Rivers and Coastal Protection Bond Act of 2014**

Authorize Mayor Abelson to sign and send letters to Senator Pavley and other appropriate legislators and legislative bodies in support of Senate Bill 1086 (SB 1086) – The Safe Neighborhood Parks, Rivers and Coastal Protection Bond Act of 2014 in California. *This document is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306.*

**Action:** Approved recommendation.

**I. Annual Progress Report on the General Plan 2013**

Receive and file the General Plan Annual Progress Report. *This document is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306.*

**Action:** Received and filed.

**6. PUBLIC HEARINGS**

**Appeal to the City Council of the Planning Commission's Action Regarding the Design Review of a Wireless Telecommunication Facility on a Utility Pole Near 7800 Eureka Avenue**

Conduct a public hearing and upon conclusion adopt a resolution denying an appeal of the Planning Commission's approval of the Design Review for a wireless telecommunications facility on an existing utility pole near 7800 Eureka Avenue. *Exempt from CEQA.*

Councilmember Friedman recused himself from participating in this appeal public hearing because he lives within 500 feet of the proposed project. Councilmember Friedman removed himself from the dais and exited the room.

Mayor Abelson opened the public hearing.

**Presenters:** Sean Moss, Senior Planner.

John Spriggs, El Cerrito, provided the City Council with the appellant's presentation and provided closing remarks.

Ken Mintz, Area Manager, External Affairs at AT&T and Judy Rowland, Senior Manager of Real Estate & Construction at AT&T, provided the City Council with a presentation on behalf of the applicant. Mr. Mintz also provided closing remarks on behalf of AT&T.

**Speakers:** Chong-Jin Lee, El Cerrito, stated that there is no gap in coverage on Eureka Avenue. Mr. Lee said an independent, verifiable gap analysis needs to be performed before it will be accepted. Mr. Lee urged the Council to grant the appeal and deny AT&T's application.

Adam Lehman, El Cerrito, stated that he and his neighbors do not want cell towers in the neighborhoods and that the community does not want it.

Austin Roorda, El Cerrito, noted that El Cerrito is a city in which residents value views and stated that the project is not needed because there is no significant gap in coverage and because the project is based on old technology.

Mary K. Johansson, El Cerrito, suggested hiring a consultant that can look at new technologies.

Paulina Lee, El Cerrito, stated that several feedback cards submitted by AT&T in support of more coverage in El Cerrito at the last appeal hearing before the City Council did not include any comments from El Cerrito residents.

Marie Appel, El Cerrito, stated that AT&T has not demonstrated that there is a significant gap in coverage and asked the City Council to deny AT&T's application.

Michael Gest, El Cerrito, expressed support for his neighbors and asked the City Council to reject AT&T's request for an unnecessary eyesore and noted that there was no objective evidence indicating that the project is necessary.

Patrick Devine, El Cerrito, expressed concerns regarding the possibility of the pole and antennae falling on his residence and noted that no seismic studies have been performed. Mr. Devine stated that there is not enough data and asked the City Council to delay or deny AT&T's application until there is more information.

Heidi Bartsch, El Cerrito, expressed her opposition to the proposed AT&T project for aesthetic and safety reasons. Ms. Bartsch stated that neither she or her husband have any problems with AT&T service and asked the Council to reconsider the project.

Chris Gilmore and George Ferrick, El Cerrito, submitted separate emails that stated that neither could attend the meeting but are in support of the project.

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

**Action:** Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Absent – Councilmember Friedman) to adopt Resolution No. 2014-09 denying an appeal of the Planning Commission's design review approval of a wireless telecommunications facility on an existing utility pole located near 7800 Eureka Avenue by conditioning approval of the proposed project upon replacement of the existing pole with a new pole. The City Council amended Finding Nos. 4, 5, 7 and 8 as follows:

4. The design is appropriate for a wireless telecommunications facility. The project by replacing the will increase the height of the existing pole will result in a taller utility pole. However, the extension and the proposed facility will be consistent with the existing aesthetics of the pole.

5. The facility and all associated equipment will be painted to match the existing replacement pole.

7. The project as proposed with a single pole creates a simplified profile of the structure. ~~does not propose any buildings and there for will not have building facades, rooflines, or building heights. This finding is applicable.~~

8. The project will be located on top of an existing new utility pole. The project does not propose any buildings with street frontage. This finding is not applicable.

Resolution No. 2014-09 was further amended by the City Council to incorporate by reference all conditions of approval as stated in Planning Commission Resolution No. PC 14-03 (adopted February 19, 2014).

## **7. POLICY MATTERS**

### **A. Selection of El Cerrito Wall of Fame Council Subcommittee**

Appoint two members of the City Council to a El Cerrito Wall of Fame Subcommittee for the purposes of reviewing a nomination and returning to the City Council with a recommendation to consider at an upcoming City Council meeting.

**Action:** The City Council (Councilmember Friedman absent) appointed Councilmember Bridges and Mayor Pro Tem Benassini to the El Cerrito Wall of Fame Subcommittee.

## **8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS**

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

Councilmember Lyman reported on his attendance at the March 24, 2014 Arts & Culture Commission meeting. The Commission is beginning to put an annual workplan together and also discussed adoption of the Arts & Culture Master Plan and demonstrated enthusiasm for an Artist in Residency Program.

Mayor Abelson reported that the West Contra Costa Transportation Advisory Committee (WCCTAC) discussed a proposal for the Mobility Management Plan at its last meeting. The Plan is contentious and has been submitted to other areas in the County as well. This Plan is designed to improve paratransit services at a county-wide level. The Executive Director for WCCTAC expressed the following concerns: 1) There is no city or consumer representation on the proposed oversight committee; 2) The new oversight committee would require a budget that is not insignificant; 3) WCCTAC has proposed that an existing committee of the Contra Costa County Transit Authority (CCTA) that includes consumers, operators and social service agencies is proposed as the committee instead; 4) The \$325,000 that would be allocated for the program would be for administrative costs and would not increase the level of paratransit service; and 5) There is also a suggestion that the mobility management function be handled by CCTA using existing resources. WCCTAC deferred making a decision until its next meeting to allow more time for review. Mayor Abelson also reported on her attendance at the East Bay Division League of California Cities meeting. The East Bay Division received a presentation on technology and communications. At the CCTA meeting, the Authority determined that there will be no CCTA ballot measure this year.

**9. ADJOURNED THE REGULAR CITY COUNCIL MEETING** at 10:35 p.m. in memory of long-time Crime Prevention Committee member and dedicated community volunteer, John Umemoto.

## **SUPPLEMENTAL REPORTS AND COMMUNICATIONS**

### **Item No. 4 Introduction of Keenan Associates**

1. Powerpoint presentation – *Submitted by Steve Gedestad, Keenan & Associates.*

### **Item No. 6 Appeal to the City Council of the Planning Commission's Action Regarding the Design Review of a Wireless Telecommunication Facility on a Utility Pole Near 7800 Eureka Avenue**

2. Photosimulation of what the proposed site would look like which was inadvertently omitted from the plans – *Submitted by Sean Moss, Senior Planner.*
3. Email in support of the AT&T installation – *Submitted by Chris Gilmore.*
4. Email in support of the placement of the cell phone tower at Eureka and Seaview –

*Submitted by George Ferrick, El Cerrito.*

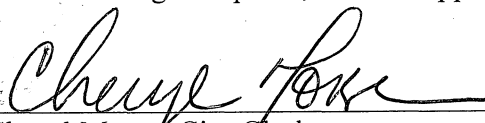
5. Written comments – *Submitted by John Spriggs, appellant, El Cerrito.*

6. Powerpoint presentation – *Submitted by John Spriggs, appellant, El Cerrito.*

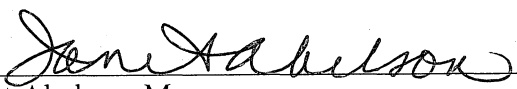
**Other:**

7. Written statement and photos regarding April 23, 2014 El Cerrito Historical Society Pioneer Reception in El Cerrito – *Submitted by Tom Panas, El Cerrito*

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council Meeting of April 1, 2014 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Janet Abelson, Mayor