

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, February 5, 2013 – 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 Rebecca Benassini
Councilmember Mark Friedman

ROLL CALL

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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:03 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led Mayor Lyman
2. **COUNCIL / STAFF COMMUNICATIONS**

CITY COUNCIL COMMENTS

Councilmember Benassini acknowledged the attendance of West Contra Costa Unified School District Board of Education Director of Todd Groves at the meeting and reported that she had just attended the Whale Week event at Fairmont School where an entire set of gray whale bones was put together amongst other festivities. Councilmember Benassini expressed appreciation for Ben Klein who organized the event. On February 12, 2013 the City will present the draft Climate Action Plan for comment. Councilmember Benassini informed the public that the City Council had spent January interviewing Board and Commission candidates, acknowledged the tremendous response to the City Council's recruitment effort, thanked all who applied and noted that those selected will serve the City very well.

Mayor Lyman reported that the West County Mayors Association recently received a presentation regarding community identification cards. The City of Richmond has selected a vendor that will provide a community identification card that can also function as an automatic teller money card. Mayor Lyman stated that this is an interesting program and noted that he has asked whether El Cerrito could piggyback on this program. He will receive more information about the program next month.

STAFF COMMENTS

Paul Keith, Police Lieutenant, commented briefly on crime trends on the Ohlone Greenway and the Police Department's response to crime and the fear of crime. Lieutenant Keith presented statistics that illustrate a significant decline in crime on the Ohlone Greenway from 2008-2012. Much of the Greenway was closed in 2012 due to BART construction and landscaping. Significant reductions in 2008 and 2010 are attributed to changes on the BART path such as the installation of video surveillance cameras and the use of police bicycle patrols along BART path. The police also worked with the parks maintenance crew to modify plantings along the greenway. Lieutenant Keith stated that the department is looking forward to the widening of the path and working with the public to increase sight-lines and emphasized that the department is committed to fulfilling its mission, to service, safety and enhancing the public trust through professionalism and leadership.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Peter Loubal, El Cerrito, stated that there is a tie-in between the discussion of the Pledge of Allegiance and the Loyalty Oath (*Oath of Office*). Mr. Loubal commented on the Oath of Office and the request for advisory board members to take the Oath of Office five years ago. Mr. Loubal distributed an editorial opinion authored by Rosemary Loubal that appeared in the Berkeley Daily Planet in 1998 along with a 1997 California Attorney General Opinion which states that advisory bodies are not required to take the Oath of Office. Mr. Loubal noted that the poll on the Patch is recording a 50-50 split on the Pledge of Allegiance and stated that he wanted to ensure that the Oath of Office does not become a robotic formality and asked the Council to agendize it for a future meeting.

Tom Panas, El Cerrito, noted that revised plans submitted by Eden Housing and discussed by the Council on November 17, 2011 are not perfect but are a start in the right direction. Mr. Panas stated that he is in favor of approving the contract with PMC (*Consent Calendar Item No. 5(D)*) for environmental review services related to the Eden Housing project. Mr. Panas stated that there will need to be mitigation for historic resources and that the community must be present and its voice must be heard regarding any discussion of the historic resource on the site, particularly when a plan for mitigation of the historic resource is being developed.

4. PRESENTATIONS

National Night Out Award – *Presentation by Lieutenant Robert De La Campa and Crime Prevention Committee Members.*

The City received the 2012 Police-Community Partnership National Award from the National Association of Town Watch in recognition of outstanding participation in "America's Night Out Against Crime."

Eugene Go and Catherine Krueger attended on behalf of the Crime Prevention Committee. Police Lieutenant De La Campa summarized the Police Department's planning efforts and different events and block parties that occurred at the 2012 National Night Out event. Lieutenant De La Campa also described the role the Crime Prevention Committee played in planning the event. The City ranked 13 out of 288 participating organizations.

Action: Received presentation.

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

Moved, seconded (Abelson/Bridges) and carried unanimously to adopt Consent Calendar Item Nos. 5A through 5G in one motion as indicated below.

A. Minutes for Approval

Approve the following City Council meeting minutes: 1) December 18, 2012 Special City Council and Regular City Council; 2) January 7, 2013 Special City Council; 3) January 12, 2013 Special City Council; 4) January 15, 2013 Special City Council; and 5) January 26, 2013 Special City Council.

Action: Approved minutes as submitted.

B. Moeser Lane and Ashbury Avenue Pedestrian and Bicycle Corridor Improvements Project, City Project No. C-3061, Federal Project No. RSTP-5239 (018)

Adopt a resolution approving the following actions: 1) Approve plans for the Moeser Lane and Ashbury Avenue Pedestrian and Bicycle Corridor Improvements Project; 2) Accept all submitted bids; 3) Amend the Capital Improvement Program to appropriate an amount not to exceed \$78,000 of Measure A Street Improvement Funds for the Moeser Lane and Ashbury Avenue Pedestrian and Bicycle Corridor Improvements Project; and 4) Authorize the City Manager to execute a contract in the amount of \$803,221.36 with Golden Bay Construction, Inc. and to approve change orders in an amount not to exceed \$96,386 (12%) for the construction of the Moeser Lane and Ashbury Avenue Pedestrian and Bicycle Corridor Improvements Project.

Action: Adopted Resolution No. 2013-01.

C. Award Municipal Tree Inventory and Outreach Contract

Adopt a resolution authorizing the City Manager to execute a professional services agreement with Davey Resources Group in an amount not to exceed \$69,338 for the Municipal Tree Inventory and Outreach project.

Action: Adopted Resolution No. 2013-02.

D. Eden Housing San Pablo Avenue Mixed-Use Senior Apartments Environmental Review Contract Award

Adopt a resolution authorizing the City Manager to execute a contract with Pacific Municipal Consultants (PMC) in an amount not to exceed \$113,088.70 to perform environmental review services for the Eden Housing Senior Apartments project.

Action: Adopted Resolution No. 2013-03.

E. City Classification Plan Amendment

Adopt a resolution amending the City's Classification Plan to revise the class specification of Development Services Manager.

Action: Adopted Resolution No. 2013-04.

F. Adjustment to City Clerk Salary Control Point

Consider adoption of a resolution amending Section 2.1 of Resolution No. 2006-52, adjusting the monthly salary control point for the City Clerk position to \$11,247.

Action: Adopted Resolution No. 2013-05.

G. Committee on Aging Appointment

Approve a Committee on Aging recommendation to appoint Joanna Kim-Selby to the Committee on Aging effective February 6, 2013.

Action: Approved recommendation.

6. PUBLIC HEARING

Adoption of Growth Management Element of the El Cerrito General Plan

Conduct a public hearing and upon conclusion, approve a resolution adopting a revised Growth Management Element and Revisions to Chapter 4: Community Development and Design of the El Cerrito General Plan.

Presenter: Sean Moss, Senior Planner.

Mayor Lyman opened the public hearing.

Speakers: Tom Panas, El Cerrito, stated that although the Element states that the City will initiate a survey of the City, there is no reference to a historic resources ordinance in the document. Mr. Panas noted that Section 15 of the Element refers to a historic resources survey but it is mentioned nowhere else. The City Council requested that the Strategic Plan include a historic resources ordinance. Mr. Panas also requested inclusion of a consideration for historic resources into Sections 8 and 10 of the Element as well.

Moved, seconded (Abelson/Benassini) and carried unanimously to close the public hearing.

Action: Moved, seconded (Friedman/Bridges) and carried unanimously to adopt Resolution No. 2013-06 adopting a revised Growth Management Element and Revisions to Chapter 4: Community Development and Design of the El Cerrito General Plan as revised by staff to correct typographical errors and as amended by Mayor Lyman to modify page 4-56, *Cutting Boulevard*, to clarify that the most significant congestion occurs at the intersection of San Pablo Avenue and Cutting Boulevard in El Cerrito.

7. POLICY MATTERS

A. Amendment of City Council Meeting Rules and Procedures to Eliminate the Pledge of Allegiance

At the request of Councilmember Friedman consider a motion removing the ceremonial pledge of allegiance from all City Council meetings by adopting a resolution amending Resolution No. 97-99 and Section 3(A) of the City Council Meeting Rules and Procedures to remove the Pledge of Allegiance from agenda preparation and order of business.

Presenter: Councilmember Friedman.

Speakers: Al Miller, El Cerrito, stated that he believes strongly in the separation of church and state and for this reason ceased repeating the Pledge of Allegiance in 1954. Mr. Miller expressed his support for eliminating the Pledge of Allegiance from the City Council agenda and adopting the pledge of service to the residents of El Cerrito as proposed by Councilmember Friedman.

Action: Motion by Councilmember Friedman to amend Resolution No. 97-99 died for lack of a second.

Moved, seconded (Friedman/Benassini) and carried unanimously to direct the City Clerk to modify Section 1 of the Order of Business on City Council meeting agendas to read Pledge of Allegiance to the Flag or Observance of a Moment of Silence.

B. Appointment of City Council Subcommittee

At the request of City Manager Hanin, appoint two councilmembers to form a Council Subcommittee to work with staff and the West Contra Costa Unified School District on the ultimate disposition of the Portola Middle School site.

Presenter: Scott Hanin, City Manager.

Action: Councilmember Benassini and Mayor Lyman were appointed to the City Council Subcommittee.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Lyman reported that the Human Relations Commission (HRC) received a presentation from High School students and teachers at its January 2, 2013 meeting. The HRC provided a grant to a High School mentoring program for materials and time to provide one on one interaction between teachers and students. The students were very grateful for the grant and the difference the program made in their lives. The HRC also discussed the January 21, 2013 Martin Luther King Day Parade.

On January 10, 2013 the Contra Costa County Mayors Conference received a presentation from the Greenbelt Alliance about the Alliance's efforts to maintain open space for the benefit of all Contra Costa County residents. In order to reduce pressure on open spaces, the Alliance is providing a tremendous amount of support for infill development and is facilitating public outreach to promote good infill development. Members of the Conference also made appointments of representatives to the East Bay Regional Communication System, Bay Area Air Quality Management District, and one other committee.

The Tree Committee met on January 14, 2013 and is completing its charge to update an approved list of street and park trees. On January 24, 2013 the five Mayors in West Contra Costa County met and discussed bringing West County candidates forward for Contra Costa Mayors Conference appointments to better represent and promote the West County region. Mayor Lyman volunteered to research when various appointments and terms expire. On January 25 Mayor Lyman represented the city during the unveiling of the Lincoln Highway signs. There are four signs in the City along San Pablo Avenue. The Lincoln Highway existed on San Pablo Avenue for one year in 1926-27. It was the first cross country paved road that stretched from Times Square in New York to Lincoln Park in San Francisco.

B. Mayor Pro Tem Abelson reported that the Committee on Aging is approaching full membership. At its last meeting, the Committee on Aging received a presentation from a representative of the Department of Motor Vehicles about senior driving issues. The meeting was well attended. Janet Bilbas, Director of Senior Services, is soliciting input from the public about what is desired in terms of senior programs. Mayor Pro Tem Abelson also clarified that she is Vice-Chair of the Contra Costa Transportation Authority and reported that Jerry Bradshaw, who is currently working with the city on a part time basis as a consultant, is also working part time as interim executive director of the West Contra Costa Transportation Advisory Committee.

C. Councilmember Benassini reported that the Planning Commission met in January to discuss the Growth Management Plan Element and three permits for fences. The Planning Commission is receiving a lot of activity related to fences and may request that the City Council conduct a special study session to provide more direction to the Commission regarding fences.

D. Councilmember Bridges reported on the January 2, 2013 meeting of the Design Review Board (DRB). The DRB considered a project at 11858 San Pablo Avenue, the former Mitsubishi Dealership site. The site involves an automobile sales and minor repair facility. The project was

previously before the City Council on September 18, 2012.

The Council made three recommendations. The businesses located on the site have since ironed out some of their differences. The project is going to move forward however the architect and applicant are going to return to the DRB at a future date to present a color board of the plantings and signage. Councilmember Bridges also reported on her attendance at the January 23, 2013 Park and Recreation Commission meeting. The Commission discussed the West Contra Costa Unified School District's Joint Use Agreement with the City regarding facilities. Comments received during the Strategic Plan process indicate that a lot of facilities at the School District are locked and unavailable for city use. Facility users have reported that submitting an application for use of the fields and tennis courts is a very time consuming process. The application cannot be completed on-line or faxed. It has to be hand-carried. Additionally, applications have been getting lost by the School District. A key point of contention is the District's lack of recognition for a lot of maintenance that the City does, particularly of the fields and that use of city facilities is free but the city will be charged for use of District facilities. The City will not accept the agreement as currently drafted. Councilmember Bridges stated that City Manager Hanin and Recreation Director Chris Jones have met with WCCUSD Superintendent Harter and staff person in charge of fields and will continue to meet with them to iron out some of the issues.

E. Councilmember Friedman reported on the January 10, 2013 meeting of the Integrated Waste Management Authority. The Authority Board discussed negotiation of the contract with Republic regarding recycling services. The Authority Board debated whether recycling needs to be every week or every two weeks. One or two of the members from the City of Richmond thought every two weeks is sufficient. Another member from Richmond thought every week was best. Councilmember Friedman stated that he supports having recycling services every week. This is important if the City is going to reach its goals for waste diversion and increasing recycling efforts in the community. El Cerrito is a little different from the other cities in that it has its own contract. Mayor Lyman, Councilmember Friedman and staff are making sure, as negotiations go forward, that El Cerrito's interests are protected.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 2 Council/Staff Communications

1. Ohlone Greenway Violent Crime Trend powerpoint presentation – *Submitted by Paul Keith, Police Lieutenant.*

Item No. 5(D) Eden Housing San Pablo Avenue Mixed-Use Senior Apartments Environmental Review Contract Award

2. Comments supporting approval of the PMC contract for environmental review – *Submitted by Tom Panas.*
3. Comments on Eden Housing Project submitted to the City Council at its November 17, 2011 meeting – *Submitted by Tom Panas.*

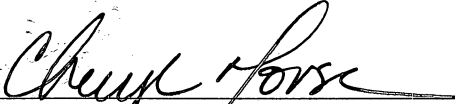
Item No. 6 Adoption of Growth Management Element of the El Cerrito General Plan

4. Revised Growth Management Element incorporating comments received from Mayor Lyman and Councilmember Benassini. *Changes are illustrated with strikeout and underline.*
5. Comments requesting the incorporation of historic resources into the Growth Management Element – *Submitted by Tom Panas.*

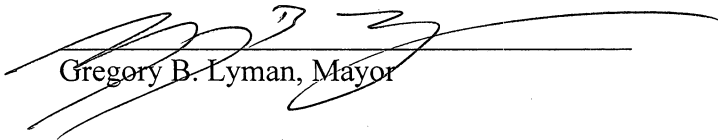
Other

6. Commentary: Loyalty Oath Mania Overtakes El Cerrito by Rosemary Loubal, Berkeley Daily Planet -*Submitted by Peter Loubal.*
7. Attorney General Opinion No. 96-1001 – *Submitted by Peter Loubal.*
9. **ADJOURNED REGULAR CITY COUNCIL MEETING** at 8:30 p.m.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of February 5, 2013 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Gregory B. Lyman, Mayor