

EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL MEETING
Monday, November 21, 2011 – 7:30 p.m.
City Council Chambers

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

Ann Cheng – Mayor

Mayor Pro Tem Bill Jones
Councilmember Rebecca Benassini

Agency Chair/Councilmember Janet Abelson
Councilmember Greg Lyman

ROLL CALL

Councilmembers Abelson, Benassini, Jones, Lyman and Mayor Cheng.

7:30 p.m. CONVENE CITY COUNCIL MEETING

Mayor Cheng convened the City Council meeting at 7:30 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Benassini.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Abelson reported that she and others celebrated International Solar Day in front of City Hall yesterday. Councilmember Abelson also reported that she attended a conference entitled “Sustainable Economic Development Strategies in Lean Times” on November 17 at the David Brower Center in Berkeley. There were a number of speakers in attendance including Senator De Saulnier. Councilmember Abelson found the discussion particularly interesting because it related public policy to the economy and sustainability.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, announced the appointment of Paul Gilbert-Snyder, a resident of El Cerrito, as the newest Director of Stege Sanitary District. Mr. Gilbert-Snyder replaces Jay James who resigned.

Sarah Stone, El Cerrito, expressed concerns regarding the absence of a ban on animal slaughter in the proposed animal ordinance and asked the City Council for an explicit ban on slaughter.

Ron Nyren, El Cerrito, spoke in support of a ban on animal slaughter, noting that slaughter is inhumane and causes suffering in animals.

George McRae, El Cerrito, congratulated the City Council and city staff on passage of the animal legislation. Mr. McRae encouraged the city to look at providing local educational opportunities for animal husbandry and beekeeping for residents and prepare an information packet. Mr. McRae also stated that there are state, county and city animal cruelty laws in place to address issues and enforcement.

Ian Elwood, Oakland, played an extended recording of the sound of a goat dying due to poisoning.

Emily Wood, Oakland, encouraged the City Council to explicitly ban slaughter in El Cerrito.

Ann Martin, Oakland, encouraged the City Council to explicitly ban slaughter in El Cerrito. If slaughter is not explicitly banned there is no ability to enforce an avoidance of animal cruelty. Ms. Martin stated that she is concerned that federal law pertaining to humane methods of slaughter of farm animals does not apply to rabbits, chickens, ducks, geese or any other fowl. Without a ban there would be no way to enforce against cruelty for any of these animals.

Judy Harden and Mike Bonneau, Oakland, expressed concerns with the City's interpretation of case law, particularly *Hialeah*, regarding first amendment rights as they relate to religious beliefs. Mr. Bonneau encouraged the City Council to ban animal slaughter.

4. PRESENTATION – None.

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

Moved, seconded (Benassini/Lyman) and carried unanimously to adopt Consent Calendar Item Nos. 5A, 5C and 5D in one motion as indicated below. Item No. 5B was removed from the Consent Calendar at the request of Councilmember Abelson and voted on by a separate motion.

A. Minutes for Approval

Approve the November 7, 2011 Special City Council and Regular City Council meeting minutes.

Action: Approved minutes as submitted.

B. Second Reading of the Animals Ordinance

Adopt an ordinance amending Title 7 ("Animals") of the El Cerrito Municipal Code by amending Chapter 7.04 ("County Regulations"), adding a new Chapter 7.06 ("Definitions") and repealing and re-enacting Chapters 7.08 ("Keeping Animals") and Chapter 7.12 ("Dogs").

Action: Removed from the consent calendar at the request of Councilmember Abelson. Moved, seconded (Jones/Lyman) and carried unanimously to adopt Ordinance No. 2011-05 (*Effective April 1, 2012*). The City Council also provided direction to staff to return to a future meeting with additional analysis regarding the legality of slaughter, liability, slaughter practices and enforcement abilities.

C. Acceptance of Public Right of Way Easement

Adopt a resolution accepting a grant deed from the San Francisco Bay Area Rapid Transit District (BART) for a public right-of-way easement adjacent to the El Cerrito Plaza BART Station on Central Avenue, west of the Ohlone Greenway, and authorizing the City Manager to execute the grant deed pending approval by BART.

Action: Adopted Resolution No. 2011-84.

D. Quarterly Investment Report

Receive and file the City's September 30, 2011 Quarterly Investment Report.

Action: Received and filed.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Transit Oriented Development Feasibility and Parking Study

Discuss transit oriented development feasibility and parking studies for the Specific Plan Update and Del Norte Transit Oriented Development Strategy.

Presenters: Lori Treviño, Redevelopment Manager, Chi-Hsin Shao, CHS Consulting and Alexander Quinn, AECOM.

Speakers: Al Miller, El Cerrito, told a story about the City of Arlington, Virginia that illustrated the importance of communication, input and training needed by fire and police professionals when decisions are made regarding the construction of higher density buildings. If additional support or equipment is required to ensure that the buildings are kept safe and livable, hopefully it will be the developer that contributes extra funds. Mr. Miller encouraged the City Council to let the market decide what is best for El Cerrito rather than developers.

Todd Jersey, Berkeley, advocated for higher density, transit oriented development along the San Pablo Avenue corridor, particularly at Del Norte, and stated that he has encouraged developers to come to El Cerrito. Mr. Jersey stated that any requirements for offset parking are a direct threat to any kind of revitalization of El Cerrito. Mr. Jersey stated that density maximums are not necessary and can be addressed specifically to a site and encouraged the City Council to let the community design process run its course and if the city can find creative developers that are interested in El Cerrito, maybe the market wants extremely high density with smaller units at a particular site.

Action: Presentation heard and discussion held.

B. Discussion of Council Meeting Day Change

At the request of Councilmember Benassini, discuss changing the City Council meeting day from the first and third Monday of each month to the first and third Tuesday at 7:30 p.m. Provide direction to staff on whether to return to the City Council in December with an ordinance amendment.

Presenter: Scott Hanin, City Manager

Speaker: Tom Panas, El Cerrito, expressed concerns with his ability to attend a meeting if the meeting day is changed from Monday to Tuesday.

Action: Discussion held. Moved, seconded (Benassini/Lyman; Ayes – Councilmembers Benassini, Jones, Lyman and Mayor Cheng; Noes – Councilmember Abelson) and carried to direct staff to return with an ordinance for consideration at its December 19, 2011 which changes the day of the City Council meeting from the first and third Monday to the first and third Tuesday and change the starting time from 7:30 to 7:00 p.m.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS *(Held over from the meeting of November 7, 2011 and continued to December 5, 2011.)*

SUPPLEMENTAL COMMUNICATIONS

Item No. 5(B) Second Reading of the Animals Ordinance

1. Backyard Slaughter in El Cerrito and First Amendment Free Exercise Concerns: Animal Legal Defense Fund Memorandum *Submitted by Mike Bonneau, Oakland.*

Item No. 7(A) Transit Oriented Development Feasibility and Parking Study

2. Map of Del Norte, Midtown and Plaza North Nodes *Submitted by Laura Wiles, AECOM.*

Item No. 7(B) Discussion of Council Meeting Day Change

3. Comments regarding change – *Submitted by Tom Panas, El Cerrito.*

Moved, seconded (Jones/Abelson) and carried unanimously to extend the meeting to 10:49 p.m.

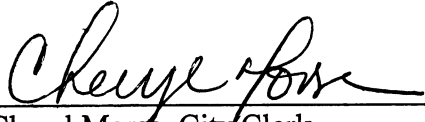
Moved, seconded (Lyman/Benassini) and carried unanimously to extend the meeting to 10:56 p.m.

Moved, seconded (Benassini/Lyman) and carried unanimously to extend the meeting to 11:01 p.m.

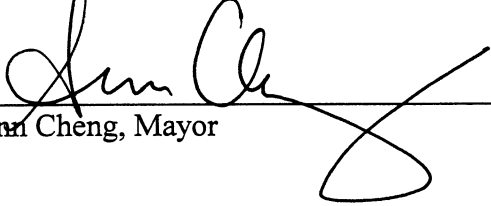
9. ADJOURNED CITY COUNCIL MEETING at 11:07 p.m.

The next regularly scheduled City Council meeting is December 5, 2011 at 7:30 p.m. in the Council Chambers, 10890 San Pablo Avenue, El Cerrito.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the City Council meeting of November 21, 2011 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Ann Cheng, Mayor