

EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL MEETING
Monday, November 7, 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

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 Mayor Pro Tem Jones.
2. **COUNCIL / STAFF COMMUNICATIONS**

Karen Pinkos, Assistant City Manager, announced the launching and redesign of the City's new website at www.el-cerrito.org. The website will offer several new features such as providing opportunities for residents to interact with the City.

Councilmember Abelson thanked the public who attended the movie, "Bag It." The movie is about the problems of using plastic bags. The movie was featured at the Cerrito Theater and sponsored by the Environmental Quality Committee.

Councilmember Benassini thanked Manzanita Charter School teacher Mr. Gravelle and his 7th and 8th grade history classes for coming to City Hall to learn about local government from herself and Councilmember Abelson. On November 14, from 11:00 am to 12:00 p.m. there will be an open house regarding the proposed Eden Housing Senior Housing project for the purpose of collecting community input on the project proposed for the Tradeway site. The open house will be at the Senior Center.

Mayor Pro Tem Jones, stated that if anyone like to see what is happening with the BART retrofit and how it may impact the Ohlone Greenway in El Cerrito they can take a look at work that is currently going on in the City of Albany, across from the Community Center and Library.

Mayor Cheng reported that the City's recent Bicycle Town Hall meeting was very successful; over thirty people attended. There are many great improvements coming and updates were provided on the Ohlone Greenway BART retrofit. Mayor Cheng also reported that a local business owner of Elevation 66 Brewery who participated in the *Occupy Oakland/Occupy Wall Street* movement was beaten by the Oakland Police. Mayor Cheng extended her personal support for his right to protest and stated that it is unfortunate that there weren't more diplomatic ways to deal with the protestors.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Dave Mandel, El Cerrito, thanked the City Council and City Manager Hanin for managing the City's budget so successfully and for maintaining and beautifying the City and seeking to serve all people so well. Mr. Mandel stated that the Contra Costa Florist complex is a unique part of the nation's cultural history and urged the City Council to include the Mabuchi Family building as part of the Tradeway project.

Sandi Genser-Maack, Richmond, spoke about the Japanese flower growing community, and stated that the Contra Costa Florist building is the last remnant of the widespread Japanese floral industry. Ms. Genser-Maack encouraged the Redevelopment Agency and Eden Housing to work with the Japanese community and the historical society to be sure that the Mabuchi building, a culturally important artifact, is incorporated into the new project sensitively and appropriately.

Tom Yamashita, Richmond, stated that his parents were part of the local floral industry for over forty years and summarized the importance of the industry when families returned from internment camps and needed jobs and about the industry's role in the local economy at the time. Mr. Yamashita also commented on the service of Japanese Americans in the 442nd Regimental Combat Team in World War II. The [Mabuchi] building is a testament to the Japanese American community that helped make El Cerrito what it is today. Mr. Yamashita expressed gratitude toward the City Council and Eden Housing for issuing a supplemental report that will help preserve the legacy of the building. Mr. Yamashita urged the City Council to preserve the Mabuchi building as a senior center and stated that he was anxious to see how the building will incorporate the Japanese flower industry both culturally and agriculturally.

Tom Panas, El Cerrito, stated that the new city website is a vast improvement and also commended Eden Housing and the City for commissioning the additional historic resources report on the former Contra Costa Florist building. Mr. Panas stated that the report makes an unassailable case for designating the building as an historic resource that appears eligible for listing on the California Register of Historic Resources and queried how to incorporate this historic resource into the Senior Housing development.

Barbara Hill, El Cerrito, thanked everyone involved in the discovery and designation of an historical resource in El Cerrito. The Mabuchi building is not only a relic of the Japanese-American flower growing industry but also testifies to the kind of community El Cerrito was, and is. The monument tells you what is good about diversity, neighborly care and good will. The challenge to developers is how to incorporate this important historical artifact into the overall design in such a way that it enhances all parts of the project.

Kimi Honda, El Cerrito, stated that she has lived in El Cerrito for fifty years, and clarified that

she is not speaking as Woman of the Year, a member of the Committee on Aging or Sakura Kai, but as a member of the local Japanese-American Community. Ms. Honda reported that six months ago the United States Solicitor General formerly acknowledged and apologized for the actions that resulted in the illegal incarceration of more than 120,000 Japanese during World War II. The Mabuchi building is an important reminder of Japanese American heritage and properly relates the history of Japanese history in El Cerrito.

Al Miller, El Cerrito, acknowledged the continuing efforts of the Environmental Quality Committee in promoting activities and awareness of environmental needs in the City. Mr. Miller reported on his attendance at an American Civil Liberties Union (ACLU) panel discussion of Police Chiefs from the cities of Berkeley, El Cerrito and Richmond and two ACLU lawyers on October 16. The panel highlighted mutual concerns and explored ways on how they can work together. All of the Police Chiefs talked about Community Policing in one form or another and how important it is to build community trust. Mr. Miller said local law enforcement is assisting federal agencies in enforcing federal law in immigration and drug enforcement and this destroys community trust in local community policing efforts. It is up to local officials to ensure that it sets clear policy for the Police Chief regarding the desired level of cooperation with federal agencies in enforcing federal laws. Mr. Miller asked that the City Council set clear policy and ensure itself and the community that the policy does not destroy the community's trust in the City's police force and their community policing programs.

Josh Whitmer, El Cerrito, expressed concerns about traffic on Colusa Avenue between Terrace and Fairmont. There is a lack of speeding mitigation measures and speeding impediments in this area. This causes traffic to travel too fast. The traffic situation is dangerous and unsafe and has already caused personal property damage.

George McRae, El Cerrito, applauded the new website and commended the City Council and City Staff for bringing the PACE car program to El Cerrito. Mr. McRae described damage and personal injury resulting from speeding vehicles on his street. He also commended the Mayor for her comments on the Occupy Movement and encouraged his fellow residents to move their financial assets into a financial institution like a credit union. Mr. McRae said he is surprised that there are no credit unions in El Cerrito and encouraged the City Council and city to attract these types of institutions to the city and discourage problem institutions.

Jill Shiraki, El Cerrito, spoke of the significance of the local Japanese Floral industry and the Mabuchi building. Ms. Shiraki described a statewide effort she and Donna Graves are working on to identify historic resources, restoration of the Miraflores greenhouses in Richmond and urged the City Council to consider the importance of the Mabuchi building and incorporate it into the [Proposed Eden Senior Housing] plan.

4. PRESENTATION – None.

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

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

A. Minutes for Approval

Approve the October 17, 2011 Special City Council and Regular City Council meeting minutes.

Action: Approved minutes.

B. Hazard Mitigation Plan

Adopt a resolution accepting all of Volume 1 and the City of El Cerrito's local annex portion of Volume II (Chapter Four) and Appendices A–F of Volume II within the Contra Costa County Hazard Mitigation Plan.

Action: Adopted Resolution No. 2011–82.

C. 2012 Integrated Resource Recovery Facility (IRRF) Rate Options

Approve a recommendation advising Mayor Pro Tem Jones to vote on the City Council's endorsement of "Option 3" for determining Integrated Resource Recovery Facility (IRRF) "All But Collection" rates for Calendar Year 2012.

Action: Approved recommendation.

D. California River Parkways Grant Application

Adopt a resolution approving the filing of a California River Parkways Grant application for the Fluvius Innominatus Channel Restoration Project.

Action: Adopted Resolution No. 2011–83.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Animals Ordinance

Introduce by title, waive any further reading and approve 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").

Presenter: Sean Moss, Senior Planner.

Speakers: Carl Mason, El Cerrito, spoke in support of the proposed ordinance and noted that requiring unanimous neighbor consent is an innovative process that may be followed by other jurisdictions. Mr. Mason encouraged the City Council to change the proposed ordinance by allowing neighbors to decide on the number chickens by removing the limit allowed with neighbor consent to promote community building and sustainability.

Ron Eggherman, El Cerrito, stated that personally and on behalf of the Environmental Quality Committee he is thrilled that the City Council has the courage to consider the proposed ordinance. Mr. Eggherman noted that [urban sustainability and animals] are a growing movement and he is happy to see El Cerrito join it. Mr. Eggherman also suggested lowering the 4,000 square foot lot threshold to 3,000 square feet.

Robin Mitchell, El Cerrito, stated that having people go through a standard permitting process for chickens is heavy handed. Dogs and Cats are of equal nuisance to neighbors and do not require a permit. Ms. Mitchell suggested finding an alternative to notarization of neighbor consent.

Action: Moved, seconded (Lyman/Benassini) and carried unanimously to waive first reading beyond the ordinance title and approve Ordinance No. 2011–05 as revised to modify language proposed in Section 7.08.02(M)(2) ("Goats – Temporary Weed Abatement") and 7.12.010 ("Dogs must be leashed") and as amended by Councilmember Lyman to delete the title "Use Permit Required" in Section 7.08.020(I)(1) and strike language contained within Section 7.08.020(J)(1) ("Honeybees – Number of Hives") regarding requirements for a conditional use permit. *Second reading scheduled for November 21, 2011.*

B. Continued Discussion of City Charter

Consider possible next steps and provide direction on the potential development of a City Charter which could include any of the following options: 1) Deferring the item; 2) Expediting the process; or 3) Including a charter review as part of a larger strategic planning process.

Presenter: Sky Woodruff, City Attorney and Scott Hanin, City Manager.

Speaker: Tom Panas, El Cerrito, stated that Option 2 (Expedited Process) appeared to rushed and spoke in favor of Option 3 (Broader Scope).

Action: Presentation heard and discussion held. Of the three options presented, the City Council provided direction to staff to take the approach of developing a broader scope (Option 3) including development of a strategic plan.

Moved, seconded (Abelson/Lyman) and carried unanimously to extend the meeting to 10:40 p.m.

Moved, seconded (Jones/Benassini) and carried unanimously to extend the meeting to 10:50 p.m.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

At the request of Mayor Cheng, City Council assignments and liaison reports were held over to the meeting of November 21, 2011.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 7(A) Animals Ordinance

1. Revised Ordinance – Revision to Section 7.08.020(M)(2) (“Goats – Temporary Weed Abatement”) and Section 7.12.010 (“Dogs must be leashed”)— *Submitted by Sean Moss, Senior Planner.*
2. Comments on Animal Ordinance – *Submitted by Susan Zeni.*
3. Comments in support of the Animal Ordinance – *Submitted by the Quales.*

Item No. 7(B) Continued Discussion of a City Charter

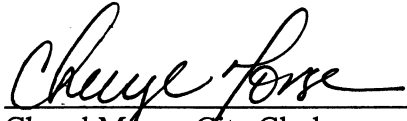
4. Powerpoint presentation – *Submitted by City Manager Hanin.*

Other:

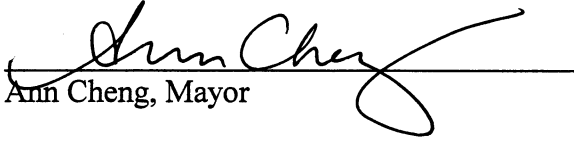
Proposed Eden Senior Housing Project

5. City conduct and proposed Tradeway Project – *Submitted by David Mandel.*
6. Incorporation of historic resource into the proposed Eden Senior Housing Project – *Submitted by Tom Panas.*
7. Incorporation of historic resource into the proposed Eden Senior Housing Project – *Submitted by Barbara Hill.*
8. Incorporation of historic resource into the proposed Eden Senior Housing Project – *Submitted by Jill Shiraki and Wilbur Obata.*
9. **ADJOURNED CITY COUNCIL MEETING** at 10:15 p.m.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the City Council meeting of November 7, 2011 as approved by the El Cerrito City Council.

A handwritten signature in cursive script, appearing to read "Cheryl Morse", written over a horizontal line.

Cheryl Morse, City Clerk

A handwritten signature in cursive script, appearing to read "Ann Cheng", written over a horizontal line.

Ann Cheng, Mayor