

EL CERRITO CITY COUNCIL EL CERRITO REDEVELOPMENT AGENCY

MINUTES

CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Monday, October 3, 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/Agency Members Abelson, Benassini, Jones, Lyman and Mayor Cheng.

7:30 p.m.

CONVENE CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Cheng convened the Concurrent City Council/Redevelopment Agency meeting at 7:30 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

COUNCILMEMBER COMMUNICATIONS

Councilmember Abelson reported on her attendance at the Annual League of California Cities Conference in San Francisco on September 21-23. She attended a session on *How to Get Through Difficult Times*, which recommended that Councilmembers limit their requests of staff so staff can complete essential tasks. Additionally, it is important to celebrate the things that go well and the things that don't go well because sometimes taking risks results in progress as something is learned. Additionally, even though resources are limited it is important that training is not eliminated. At the Administrative Services Policy Committee meeting, innovative bike parking was discussed. On September 29, Councilmember Abelson participated in a tour of the new recycling center which is beginning to take shape. Councilmember Abelson announced the Fall Citywide Garage on October 15 from 9 a.m. to 3p.m. November 11 is Veterans Holiday. The Recycling Center will be closed however curbside and green waste services will proceed as normal.

Mayor Pro Tem Jones also reported that he attended the League Conference, including some of the sessions attended by Councilmember Abelson. Mayor Pro Tem Jones offered good wishes to San Pablo Councilmember Arturo Cruz who is recovering from a stroke. Attendance at other events included a recital at the Freedom Performing Arts Center and the Annual Dynamo Golf Tournament/Fundraiser for the David Hunter Memorial Fund. Mayor Pro Tem Jones announced that Ballot Measure J, designed to support the Doctors Hospital, formerly Brookside Hospital, in San Pablo through a tax, will be before the voters soon. The Doctors Hospital is valuable to the community, and is in danger of closing. Mayor Pro Tem Jones encouraged residents to study the issue closely and vote the way they think they should.

Councilmember Lyman stated that Measure J is a vote by mail ballot election and encouraged everyone to look for their ballot in their mail box. On October 4 in City Hall, there will be a community meeting from 7-8 p.m. to receive presentations and provide input on new senior housing. The Garden Club is offering the opportunity for vegetable exchange at 6:30 p.m. at the corner of Lexington and Eureka on Thursdays through October.

Councilmember Benassini reported that Stege Sanitary District will convene a community meeting regarding the regional private sewer lateral program on October 4 at 7 p.m. at the Community Center. Councilmember Benassini invited all to attend the Citywide Garage Sale and also the Do it Yourself Art Fair on October 15. The Arts Fair is from 2 -5:30 p.m. at the Community Center and will feature great workshops including metal art, junk sketching and improvisation for teens.

Mayor Cheng stated that she also attended the Annual League Conference for the first time and enjoyed meeting elected officials from all over the State. Mayor Cheng encouraged all to visit the Calendar of Events posted on the City's Website. It is a great source of information for local events including a Bicycling Town Hall on October 20, from 6:30 to 8:00 p.m. at City Hall which will provide an opportunity for discussion of the Ohlone Greenway Master Plan and Circulation Element Update.

STAFF COMMUNICATION

Lori Treviño, Redevelopment Manager, provided an update on the status of the Tri-Party Agreement with Safeway. Safeway has requested a change that will require action by the City Council. Ms. Treviño recommended the item, which is on the Municipal Services Corporation agenda this evening be held over to October 17, 2011.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Tom Panas, El Cerrito, spoke in support of the creek on the 1715 Elm Street Site, a site which recently received consideration by the Design Review Board. The site was the subject of an Historic Resources Report in 2006 which concluded that the site is eligible for listing on the California Register of Historical Places. Mr. Panas stated that he does not believe the waterway is an "engineered system" and that the site is an important test of the City's Creeks Ordinance.

Frank Storno, El Cerrito, spoke in support of the waterway. He stated that the creek begins in the canyon above Blake and Navellier Streets and ran westerly through two dairies, a florist and then the Rodini property. Mr. Storno spoke about his experiences playing in the creek as a young man and noted other historical aspects of Rodini Creek.

Houdy Goudy, El Cerrito, stated that he is strongly in favor of the creek and the Creek Ordinance and encouraged the City to be rigorous in upholding the Creeks Ordinance.

Robin Mitchell, El Cerrito, read a statement from Charles Miglia who was raised in El Cerrito, regarding the natural and historical aspects of Rodini Creek and feels that the creek is a natural creek and should be allowed to remain so. Ms. Mitchell spoke in favor of the creek and stated that a high density development on the site will damage the creek that runs through the property. Ms. Mitchell stated that there are documents which infer that the property is environmentally and historically important.

Al Miller, El Cerrito, reported on services provided by the Stege Sanitary District and informed the City Council that as a result of recent changes in state and federal pollution reduction regulations, the Stege Sanitary District, East Bay Municipal Utility District, the United States Environmental Protection Agency, and the Regional Water Quality Control Board are working together to inform property owners about new requirements to inspect, test, repair or replace damaged sewer laterals on private property. The regulations will go into effect October 17. A certificate of compliance will be required to sell property. Mr. Miller encouraged the public to attend a community meeting on October 4 to hear about the new requirements and have questions answered.

Kathleen McKinley, El Cerrito, spoke in support of the creek on the Rodini property and stated that she is concerned about the proposed development would contravene the Creeks Ordinance. Ms. McKinley provided background about the development of the Creeks Ordinance and stated that the creek is an important natural resource with historic aspects. Ms. McKinley advised that failure to enforce the City's Zoning Ordinance would eviscerate the ordinance and could result in a Writ of Mandate.

4. PRESENTATION – None

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

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

A. California Arts Day Proclamation

Approve a proclamation proclaiming the City Council's recognition and support for the mission of the California Arts Council and Americans for the Arts in advancing California through the Arts by declaring October 7, 2011 California Arts Day and by celebrating National Arts and Humanities Month by declaring October, 2011 as Arts Month in the City of El Cerrito. The City Council also encourages all members of the community to attend the El Cerrito Do-It-Yourself Arts Fair hosted by the City's Arts and Culture Commission on October 15, 2011.

Action: Approved proclamation.

B. STAND! For Families Free of Violence Proclamation

Approve a proclamation proclaiming October 2011 as Domestic Violence Awareness Month in the City of El Cerrito and urging all residents to actively participate in efforts to end violence in our homes, in our schools, and in our communities.

Action: Approved proclamation.

C. Minutes for Approval

Approve the September 19, 2011 Concurrent City Council and Redevelopment Agency meeting minutes.

Action: Approved minutes.

D. Second Reading of an Ordinance to Conditionally Opt-In to the State's Voluntary Redevelopment Program

First Reading September 19, 2011. Vote: Unanimous

Adopt second reading of an ordinance conditionally enacted pursuant to Health and Safety Code Section 34193 to elect and implement participation by the City of El Cerrito and the El Cerrito Redevelopment Agency in the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of the California Community Redevelopment Law.

Action: Adopted Ordinance No. 2011-04.

E. Quarterly Investment Report

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

Action: Received and filed.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

General Law Versus Charter City Discussion

At the request of Mayor Pro Tem Jones, receive a presentation on authority in a General Law City versus a Charter City, home rule and municipal affairs. Discuss the benefits and detriments of becoming a Charter City and provide direction to staff.

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

Speakers: Tom Panas, El Cerrito, stated that, under a City Charter, there appears to be a lot more areas that citizens can change under charter law rather than general city law. Mr. Panas said it was unclear what the differences are between citizen initiatives in a general law city versus a charter law city.

Action: Presentation heard and discussion held. The City Council asked staff to return to the Council at a future meeting with more information including an analysis of financing mechanisms and advantages of being a Charter City and how a Charter would enhance land use policy and law. Councilmember Abelson expressed concerns that a charter might result in disagreements over local issues and spoke of the need for strong ethics provisions. Concerns regarding impacts on staff and resources were also expressed.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Reports held over to the meeting of October 17, 2011.

SUPPLEMENTAL COMMUNICATIONS

1715 Elm Street / Rodini Creek

1. Copy of comments and documents presented to the City Council by Tom Panas – *Submitted by Tom Panas, El Cerrito.*
 - a. 1916 Santa Fe map that shows a bridge at the location of the creek.

- b. 1950 Santa Fe map that shows a bridge in the same location as on the 1916 map.
 - c. Copy of earlier site plan.
 - d. El Cerrito Municipal Code Chapter 19.12
 - e. Historical and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street. Prepared by Michael R. Corbett for Douglas Herring & Associates.
- 2. Comments of Frank Storno – *Submitted by Frank Storno.*
 - 3. Creek ordinance and proposed development at 1715 Elm Street – *Submitted by Howdy Goudey.*
 - 4. Comments of Charles Miglia – *Submitted by Robin Mitchell.*
 - 5. Comments of Robin Mitchell and maps regarding property at 1715 Elm Street – *Submitted by Robin Mitchell.*

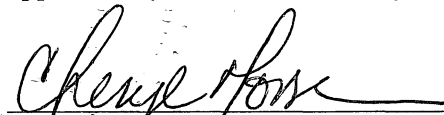
Stege Sanitary District Community Meeting

- 6. Stege Sanitary District Notice to Customers regarding the East Bay Regional Private Sewer Lateral Program – *Submitted by Al Miller, Director, Stege Sanitary District.*

Moved, seconded (Lyman/Jones) and carried unanimously to extend the meeting to 10:47 p.m.

9. ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING at 10:45p.m.

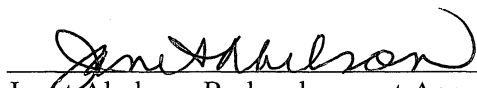
THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Concurrent City Council / Redevelopment Agency meeting of October 3, 2011 as approved by the El Cerrito City Council and Redevelopment Agency.



Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency



Bill Jones, Mayor Pro Tem



Janet Abelson, Redevelopment Agency Chair