

EL CERRITO CITY COUNCIL EL CERRITO MUNICIPAL SERVICES CORPORATION

MINUTES

CONCURRENT MEETING OF THE EL CERRITO CITY COUNCIL/REDEVELOPMENT AGENCY AND MUNICIPAL SERVICES CORPORATION

Monday, March 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

Councilmember/Agency Chair Janet Abelson
Councilmember Greg Lyman

ROLL CALL

Councilmembers/Agency Members/Municipal Services Corporation Board Members Abelson (Agency Chair), Benassini, Jones, Lyman and Mayor Cheng all present.

Municipal Services Corporation Board Members Hanin and Pinkos also present.

7:30 p.m.

CONVENE CONCURRENT CITY COUNCIL / REDEVELOPMENT AGENCY / MUNICIPAL SERVICES CORPORATION MEETING

Mayor Cheng convened the Concurrent City Council / Redevelopment Agency / Municipal Services Corporation meeting at 7:31 p.m.

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

Councilmember Abelson reported on her attendance at the *Building Livable Communities* conference which was put on by the Local Government Commission. Councilmember Abelson announced the following upcoming events: 1) On March 26 from 10-12 a.m. at the Recycling Center there will be a community meeting to discuss plans for reuse and exchange at the new

Recycling Center; 2) On April 16 beginning at 9:00 a.m. the City will host the annual Earth Day Event consisting of work parties in the morning followed by a free lunch at the Community Center. Sign up at Earthday@ci.el-cerrito.ca.us; 3) On April 23 there will be a free compost giveaway at the Recycling Center; and 4) the spring citywide garage sale is May 7.

Councilmember Benassini announced an Environmental Quality Committee sponsored Green Team Clean Up at Cerrito Vista Park from 9-12 a.m. on March 26. Councilmember Benassini expressed her appreciation for all of the volunteers. Additionally, in light of the tragic disaster in Japan, Councilmember Benassini encouraged the public to attend Community Emergency Response Team (CERT) training so that individuals can learn how to prepare for a disaster and help themselves and their community become self sufficient in the event of a disaster. More information can be found at <http://www.elcerritokenstingtoncert.org/Home.aspx>.

Councilmember Jones reported that the Public Utilities Commission (PUC) will be holding a public comment hearing on proposed new safety and reliability regulations for natural gas distribution pipelines on April 5 from 5-10 p.m. in San Bruno. The Commission is also seeking comment on the costs of safety improvements including inspections.

Councilmember Lyman reported that the Crime Prevention Committee (CPC) is planning National Night Out on August 2. The CPC will be distributing information on how to form a Neighborhood Watch Group and host a block party during the National Night Out event at the Earth Day Celebration on April 16 and at a July 16 barbeque.

Mayor Cheng echoed Councilmember Benassini's encouragement to take the time to prepare for a disaster by making phone lists and taking advantage of free training opportunities. Mayor Cheng reported that she recently toured the two fire stations in El Cerrito and one fire station in Kensington. There are three firefighters per station at any given time. By training ourselves we will know what to do to help our families and our community and will not feel helpless if disaster strikes.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

4. PRESENTATIONS

Proposed Contra Costa College Bond Ballot Measure – *Presentation by McKinley Williams, President, Contra Costa College.*

Action: Presentation heard.

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

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

A. Minutes for Approval

Approve the March 5, 2011 Special City Council and March 7, 2011 Concurrent City Council/Redevelopment Agency/Municipal Services Corporation meeting minutes.

Action: Approved the March 5, 2011 Special City Council and March 7, 2011 Concurrent City Council / Redevelopment Agency / Municipal Services Corporation meeting minutes.

B. Ordinance Establishing the Measure A Swim Center Parcel Tax Rate

Introduce by title, waive any further reading and approve an ordinance establishing the Measure A (Swim Center) parcel tax rate for Fiscal Year 2011–12. Staff recommends that the City adopt an Ordinance establishing the Measure A Parcel Tax Rate at the current level of \$38.61 per single-family residential unit, \$29.73 per multifamily residential unit, and \$270.66 per acre of non-residential property for FY 2011-12.

Action: Approved Ordinance No. 2011–2. *Second Reading scheduled for May 2, 2011.*

C. Landscape and Lighting Assessment District No. 1998–1 Annual Report

Adopt a resolution directing NBS Local Government Solutions (NBS), the designated Engineer of Work for the Landscape and Lighting Assessment District No. 1988–1, to prepare and file the annual report for Fiscal Year 2011–12.

Action: Adopted Resolution No. 2011–19.

D. General Plan Annual Progress Report 2010

Receive and file the General Plan Annual Progress Report and direct staff to forward a copy of the report to the Governor's Office of Planning and Research and to the State Department of Housing and Community Development by the April 1, 2011 deadline.

Action: Received and filed.

E. Calendar Years 2008 and 2009 Growth Management Program Compliance Checklist

Adopt a resolution certifying the Calendar Years 2008 and 2009 Growth Management Program (GMP) Compliance Checklist for allocation of Fiscal Years 2009–10 and 2010–11 Local Street Maintenance and Improvement Funds from Measures C and J by the Contra Costa Transportation Authority (CCTA).

Action: Adopted Resolution No. 2011–20.

F. Support Saint Mary's College Bid to Host the 2012 Presidential Debate

At the request of Mayor Cheng, approve a proclamation proclaiming support for Saint Mary's College's bid for the 2012 Presidential Debate in the Town of Moraga and urging our community and surrounding communities to actively support this effort.

Action: Approved proclamation.

G. Support Clean Air Standards

At the request of Councilmember Abelson, authorize Mayor Cheng to send a letter to Senators Boxer and Feinstein urging them to protect the Environmental Protection Agency's ability to enforce the Clean Air Act and clean air standards.

Action: Approved recommendation

H. Support for Contra Costa College's 2011 Capital Bond Initiative

Adopt a resolution supporting Contra Costa College's 2011 Capital Bond Initiative.

Action: Adopted Resolution No. 2011–21.

I. Change in City Council Meeting Schedule

Schedule a special meeting on April 9, 2011 at 9:00 a.m. for the purpose of discussing the City's Mission Statement, Values and Fiscal Year 2011–12 Goals and Priorities. Cancel the April 18, 2011 regular City Council meeting due to a conflict with the observance of Passover.

Action: Approved recommendation.

6. POLICY MATTERS

A. Proposed Revisions to El Cerrito Municipal Code Title 7, "Animals"

Staff is requesting feedback from the City Council and general public on proposed revisions to the Animals Ordinance.

Presenters: Karen Pinkos, Assistant City Manager, Jennifer Carman, Development Services Manager, and Sean Moss, Senior Planner.

Speakers: Ron Eggherman, Chair, Environmental Quality Committee, summarized the history of public process and input behind the proposed animal ordinance and briefly described the benefits of animal husbandry toward making El Cerrito a greener city and encouraged the Council to develop a broad policy.

Ron Codron, El Cerrito, expressed dismay about the impacts of noise from his neighbor's chickens and stressed his opposition to the proposed ordinance.

Laura Nelson, El Cerrito, expressed opposition to the proposed animal ordinance.

Arthur Walenta, El Cerrito, expressed opposition to the proposed animal ordinance and stated that the proposal fails to consider neighborhood interests and impacts on property values.

Arlene Robertson, El Cerrito, expressed opposition to the proposed small animal ordinance.

Kirk Lumpkin, El Cerrito, expressed support for the small animal ordinance.

Carl Mason, El Cerrito, spoke in support of the small animal ordinance and suggested adding additional chickens with the consent of contiguous neighbors.

Julia Mason, El Cerrito, supported keeping chickens in El Cerrito.

Kyle Brunelle, El Cerrito, expressed support for the proposed ordinance.

Robert MacKimmie, El Cerrito, expressed support for the proposed ordinance and the promotion of sustainability, particularly for honey bees due to the challenges and threats facing honeybees and other pollinators.

Kathleen McKinley, El Cerrito, former Planning Commissioner, stated that she is strongly in favor of the proposed ordinance and the urban homesteading movement. Ms. McKinley said she is strongly opposed to imposing a conditional use permit on a resident that lives adjacent to a multi-family property for keeping chickens, goats or pigs and stated that the fees are too high.

Rob Everett, El Cerrito, expressed his support for the proposed ordinance and the idea of adding additional chickens with the consent of contiguous neighbors.

Glen Davis, El Cerrito, stated that he is concerned that many people are interested in having animals without realizing the responsibility and care involved. Mr. Davis asked who would police neighbors and stated that the issue of enforcement needs to be dealt with rather than relying on resident complaints. Mr. Davis asked that the Council not approve conditional use permits except under exceptional circumstances.

Anne Martin, El Cerrito, expressed support for including additional animals as a right. Ms.

Martin noted that there is no stipulation in the ordinance that prevents slaughtering in the back yard and referred the Council to certain sections of the Oakland Municipal Code which prohibit slaughter and recent minutes of the Berkeley Animal Welfare Commission regarding rooster bans. Ms. Martin also asked the City to consider moving the animal control contract from the County to the City of Berkeley.

Judy Hardin, El Cerrito, stated that she would like to see rabbits, guinea pigs, etc allowed by right exclusively as indoor pets without a permit. Ms. Hardin added that honeybees should also be kept without a permit and added that the ban on roosters should be removed with any noise governed by the noise ordinance. Ms. Hardin also expressed her opposition to backyard slaughter.

Barbara Hill, El Cerrito, asked if the public health impacts from the interaction between wild and cultivated animals has been considered. Ms. Hill asked the Council to direct the Planning Commission to deny conditional use permits to any resident above the flat areas of the City in an attempt to create a buffer zone between the wild land and urban interface. Ms. Hill asked the City Council to consider making the issue a ballot measure.

Lynn Huntfinger, El Cerrito, expressed strong support for the proposed ordinance and suggested that the ordinance allow flexibility for neighbors to work out the best location of a chicken coop.

Nicki Kaiser, stated that the City should avoid redundancy, write laws that can be complied with and enforced in a fair and reasonable way, limit administrative and citizen costs, be inclusive, and most importantly, be fair and consistent.

Michelle Westling, El Cerrito, expressed strong support for the ordinance and stated that the ordinance moves the city in the right direction.

Action: Presentation heard, discussion held and direction given.

B. Ad Hoc Wall of Fame Subcommittee Appointments

Appoint two councilmembers to an Ad Hoc Wall of Fame Subcommittee who will review Wall of Fame nomination applications and return to the City Council with a recommendation.

Speakers: Al Miller, El Cerrito, stressed the importance of the Wall of Fame, particularly the education of residents regarding contributions by community members. The Wall of Fame also reinforces the importance and responsibility of being a part of the community.

Action: Mayor Cheng appointed Councilmember Benassini and Mayor Pro Tem Jones to the Ad Hoc Wall of Fame Subcommittee.

7. PUBLIC HEARINGS

JOINT CITY COUNCIL / REDEVELOPMENT AGENCY/ MUNICIPAL SERVICES CORPORATION ITEM

A. Conveyance of Real Property from the El Cerrito Redevelopment Agency to the El Cerrito Municipal Services Corporation for its Intended Redevelopment Purposes

Conduct a public hearing and upon conclusion, consider taking the following three actions:

- 1) Adopt a City Council resolution rescinding the approval of a property conveyance agreement approved on March 7, 2011 pursuant to City Council Resolution No. 2011-18;
- 2) Adopt a Redevelopment Agency resolution rescinding the approval of a property conveyance agreement approved on March 7, 2011 pursuant to Redevelopment Agency Resolution No. 610;

- 3) Adopt a resolution of the City Council consenting to the execution of real property conveyance agreements by the El Cerrito Redevelopment Agency for the conveyance of certain real property located in the City of El Cerrito Redevelopment Project Area to the El Cerrito Municipal Services Corporation;
- 4) Adopt a resolution of the El Cerrito Redevelopment Agency Board authorizing the execution of property conveyance agreements with the El Cerrito Municipal Services Corporation for the conveyance of certain real property located in the City of El Cerrito Redevelopment Project Area; and
- 5) Adopt a resolution of the Board of Directors of the El Cerrito Municipal Services Corporation authorizing the execution of property conveyance agreements with the El Cerrito Redevelopment Agency for the conveyance of certain real property located in the City of El Cerrito Redevelopment Project Area.

Presenter: Lori Treviño, Redevelopment Manager.

Mayor Cheng opened the public hearing. No speakers

Moved, seconded (Lyman/Jones) and carried unanimously to close the public hearing.

Action: Moved, seconded (Lyman/Benassini) and carried unanimously to adopt City Council Resolution No. 2011-22.

Moved, seconded (Lyman/Jones) and carried unanimously to adopt Redevelopment Agency Resolution No. 611.

Moved, seconded (Lyman/Benassini) and carried unanimously to adopt City Council Resolution No. 2011-23.

Moved, seconded (Lyman/Benassini) and carried unanimously to adopt Redevelopment Agency Resolution No. 612.

Moved, seconded (Lyman/Pinkos) and carried unanimously to adopt Municipal Services Corporation Resolution No. 2011-03.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEM

B. Conveyance of the Tradeway Property from the El Cerrito Redevelopment Agency to the City of El Cerrito for its Intended Redevelopment as Affordable Housing

Conduct a public hearing and upon conclusion, consider taking the following actions:

1. Adopt a resolution of the City Council consenting to the execution of real property conveyance agreements by the El Cerrito Redevelopment Agency for the conveyance of certain real property located in the City of El Cerrito Redevelopment Project Area and authorizing the execution of said property conveyance agreements with the El Cerrito Redevelopment Agency; and
2. Adopt a resolution of the El Cerrito Redevelopment Agency Board authorizing the execution of property conveyance agreements with the City of El Cerrito for the conveyance of certain real property located in the City of El Cerrito Redevelopment Project Area.

Presenter: Lori Treviño, Redevelopment Manager.

Chairperson Abelson opened the public hearing. No speakers.

Moved, seconded (Lyman/Jones) and carried unanimously to close the public hearing.

Action: Moved, seconded (Abelson/Jones) and carried unanimously to adopt City Council Resolution No. 2011-24.

Moved, seconded (Benassini/Lyman) and carried unanimously to adopt Redevelopment Agency Resolution No. 613.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Cheng reported that the Arts and Culture Commission reviewed artist proposals for the City Hall Gallery and unfortunately there were no El Cerrito artists. The Commission also reviewed an additional 20 icons for the San Pablo Avenue public art project. The Commission will look at placement of a variety icons at its next meeting and will come back to Council with a recommendation on design and placement of the icons at different locations. The Human Relations Commission reflected on the success of the Martin Luther King event and will be developing a work plan. Mayor Cheng also reported that she attended a screening event of the film *Iron Jawed Angels* which was co-sponsored by the Human Relations Commission, League of Women Voters, and the Association of University Women. The film acts as a reminder that the Right to Vote for Women is only ninety years old. Mayor Cheng also stated that she recently learned more about the West Contra Costa Unified School District's Linked Learning Program. The program provides a cutting edge curriculum and involves community members from various professions. There is a Green Transportation Academy, Media Academy and Information Technology Academy. The program is looking for community members to mentor and provide real life examples of careers in these fields. Mayor Cheng encouraged all to get in touch with the School Board to offer help and resources.
- B. Councilmember Abelson reported that the Committee on Aging was extremely delighted that two of its members were honored as Assembly District 14 Woman of the Year and Contra Costa College Woman of the Year for the City of El Cerrito, respectively. The Environmental Quality Committee discussed their work program including a cosponsored movie on transit at the Cerrito Theater.
- C. Councilmember Benassini reported that none of the commissions and boards for which she is a liaison met recently.
- D. Mayor Pro Tem Jones – No report.
- E. Councilmember Lyman – No report.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4 Proposed Contra Costa College Bond Ballot Measure

- 1. "Tax plan attains support," *Contra Costa College Advocate*, March 16, 2011 – Submitted by McKinley Williams, President, Contra Costa College

Item No. 6(A) Proposed Revisions to El Cerrito Municipal Code Title 7, "Animals"

- 2. Consolidated List of Questions from City Councilmembers, Animals Ordinance Study Session – Submitted by Karen Pinkos, Assistant City Manager
- 3. Comments in Support of chickens and bees – Submitted by Luke Kreinberg, El Cerrito
- 4. Opposition to Change in Ordinance – Submitted by Susan Zeni
- 5. Support for changes to allow keeping of farm animals – Submitted by David Beck

6. Opposition to Change in Ordinance. Restrictions on goats needed – *Submitted by Marcie Commins, El Cerrito*
7. Support for small scale animal husbandry – *Submitted by Steven Aultman*
8. Comments in support of chickens and bees – *Submitted by Maia Hampson*
9. Support for revised ordinance – *Submitted by Elise Thomas*
10. Recommendations for Changes to Title 7 – *Submitted by Anne Martin, El Cerrito and Judy Hardin*
11. Petition in support of the revised El Cerrito Animal Code, specific to hen-keeping and bees – *Signed by 27 residents of Albany, Berkeley, El Cerrito, Oakland and Richmond.*

Item No. 6(B) Ad Hoc Wall of Fame Subcommittee Appointments

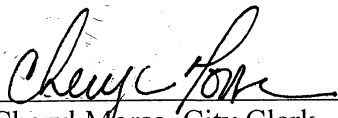
12. Nomination application for Al Miller – *Submitted by Hillary Crosby*

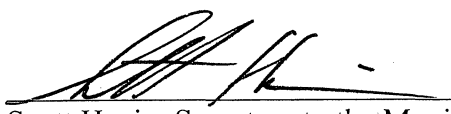
Moved, seconded (Abelson/Lyman) and carried unanimously to suspend council rules and extend the meeting to 11:00 p.m.

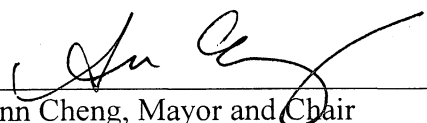
Moved, seconded (Abelson/Benassini) and carried unanimously to suspend council rules and extend the meeting to 11:20 p.m.

9. ADJOURNED CONCURRENT CITY COUNCIL / REDEVELOPMENT AGENCY / MUNICIPAL SERVICES CORPORATION MEETING at 11:19 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the concurrent City Council and Municipal Services Corporation meeting of March 21, 2011 as approved by the El Cerrito City Council and Municipal Services Corporation on May 2, 2011.


Cheryl Morse, City Clerk


Scott Hanin, Secretary to the Municipal Services Corporation


Ann Cheng, Mayor and Chair