

EL CERRITO CITY COUNCIL EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL CITY COUNCIL MEETING
Monday, November 15, 2010 – 7:20 p.m.
City Council Chambers

CONCURRENT EL CERRITO CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Monday, November 15, 2010 – 7:30 p.m.
City Council Chambers

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

Janet Abelson – Mayor

Mayor Pro Tem Ann Cheng
Councilmember William C. Jones, III

Councilmember/Agency Chair Sandi Potter
Councilmember/Agency Vice-Chair Greg Lyman

ROLL CALL

Councilmembers Cheng, Jones, Lyman, Potter and Mayor Abelson all present.

7:20 p.m. CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the Special City Council meeting at 7:22 p.m.

PUBLIC HEARING

Public Hearing in Accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, the Federal Tax Equity and Fiscal Responsibility Act of 1986 (TEFRA) for Tehiyah Day School

Staff recommends that the City Council conduct a public hearing and adopt a resolution approving the issuance of tax-exempt bonds by the Colorado Educational and Cultural Facilities Authority (CECFA) for the purpose of funding Tehiyah Day School (TDS) Phase Two bond refinancing. In accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, the Tax and Equity Fiscal Responsibility Act of 1982 (TEFRA) requirements, a public hearing must be held before the City Council in order to take public testimony regarding the necessity and appropriateness of tax-exempt financing for a private day school.

The CECFA is expected to issue up to \$6 million in tax-exempt bonds on behalf of TDS for the purposes of refinancing outstanding debt obligations relating to the El Cerrito campus.

Presenter: Sky Woodruff, City Attorney.

Mayor Abelson opened and closed the public hearing. No speakers.

Action: Moved, seconded (Jones/Cheng) and carried unanimously to adopt Resolution No. 2010-68.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:28 p.m.

ROLL CALL

Councilmembers/Agency Members Cheng, Jones, Lyman, Potter and Mayor Abelson all present.

7:30 p.m.

CONVENE CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

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

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

Councilmember Jones stated, in reference to Measure R, that if you have a quality community, the community makes certain decisions even if the time is not right. Councilmember Jones thanked the residents of El Cerrito for their support of Measure R and for their faith in the Council. Councilmember Jones stated that he thinks there will be great progress as the City moves forward and the economy gets better.

Councilmember Potter expressed her appreciation to everyone for their efforts on Measure R. The Community spoke very clearly about their desire to maintain the city's high level of services.

Councilmember Jones noted that staff worked on their own time.

Councilmember Cheng also thanked everyone for their efforts on Measure R.

Councilmember Lyman thanked the public for voting yes on Measure R. Councilmember Lyman encouraged residents to apply to serve on a city board, commission and committee and to look for opportunities to help make the community a better place.

Mayor Abelson noted that she attended the October 23rd Celebration of the Arts event at City Hall. The event included a movie, harp music, and a fantastic employee art show. Mayor Abelson invited the public to view the art gallery. The Climate Action Team has been busy with community workshops. On November 13, there was a community discussion on the transportation component of the Climate Action Plan. Mayor Abelson invited residents to attend another workshop on December 2, from 7-9 p.m. at City Hall. On November 17, Congressman Garamendi's staff will be available at City Hall to meet with constituents who need assistance on federal issues. Interested constituents can come to city hall between 10 a.m. and 2 p.m. for service or make an appointment by calling 925-932-8899. Mayor Abelson also announced that a recent East Bay Municipal Utility District (EBMUD) status report featured an article on water smart practices for business, including an award received by the City of El Cerrito. Additionally, the League of California Cities Western Cities Magazine, featured an article recognizing the City's water and energy efficiency programs. Mayor Abelson stated that it is nice to see city programs featured in publications such as these and thanked staff for doing the work that makes this happen.

3. ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

4. PRESENTATIONS

International Association of Chiefs of Police Law Enforcement Challenge Award –
presented by Stephen Bonini, Police Lieutenant.

Of the 100 award categories, just 7 California law enforcement agencies received awards. The City of El Cerrito Police Department received third place for agencies the same size out of 400+ applications nationwide. The Police Department was the only Contra Costa County Law Enforcement Agency to receive the award.

Action: Presentation heard.

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

Moved, seconded (Cheng/Potter) and carried unanimously to adopt Consent Calendar Item Nos. 5A, 5B and 5D through 5G in one motion as indicated below. Item No. 5C was removed from the Consent Calendar by Councilmember Jones and voted on separately as indicated below.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEM

A. Minutes for Approval

Approve the 1) October 18, 2010 Special Redevelopment Agency and Concurrent City Council/Redevelopment Agency meeting minutes; and 2) October 30, 2010 Special City Council meeting minutes.

Action: Approved minutes.

CITY COUNCIL ITEMS

B. November 2010 as National Family Caregivers Month Proclamation

Approve a proclamation proclaiming November 2010 as National Family Caregivers Month in the City of El Cerrito.

Action: Approved proclamation.

C. Support *Get Connected!*

Adopt a resolution joining the California Emerging Technology Fund in promoting *Get Connected* – a public awareness program to close the Digital Divide in California and embrace the goal to achieve broadband Internet access at home for 80% of all Californians statewide by 2015.

Action: Removed from the Consent Calendar by Councilmember Jones. Moved, seconded (Jones/Lyman) and carried unanimously as amended by Councilmember Jones to adopt Resolution No. 2010–69.

D. Side Letter Modifying the Memorandum of Understanding for the El Cerrito Police Employees' Association

Adopt a resolution approving a side letter to the existing Memorandum of Understanding (MOU)

between the City of El Cerrito and the El Cerrito Police Employees' Association (PEA) to add Section 13.2.E Canine Handler Specialty Assignment.

Action: Adopted Resolution No. 2010-70.

E. Establish the Police Property and Evidence Specialist Classification and Revise the Class Specification for Police Records Specialist

Adopt a resolution amending the City's Classification Plan to: 1) Establish the classification of Police Property and Evidence Specialist and establish the recommended salary range; and 2) Revise the Class Specification for Police Records Specialist.

Action: Adopted Resolution No. 2010-71.

F. Appointment of Pansy Kwong to the Crime Prevention Committee

Approve the Crime Prevention Committee's recommendation to appoint Pansy Kwong to the Committee, effective December 1, 2010.

Action: Approved the Crime Prevention Committee's recommendation.

G. Quarterly Investment Report

Receive and file the City's September 30, 2010 Quarterly Investment Report.

Action: Received and filed.

6. PUBLIC HEARING

Adoption, with Local Modifications, of the 2010 California Building Standards Code, including Green Building Code, Building Code, Fire Code and related Construction Codes

First Reading October 18, 2010. (Vote: Ayes – Councilmembers Jones, Lyman, Potter and Mayor Abelson; Noes – None; Absent – Councilmember Cheng)

Conduct a public hearing and upon conclusion, adopt Ordinance No. 2010-09 which amends Title 16 of the El Cerrito Municipal Code to adopt, with modifications to address unique local conditions, the 2010 edition of the California Green Building Code, the 2010 the California Building Code, the 2010 California Fire Code, the 2010 edition of the California Administrative Code, the 2010 edition of the California Residential Code, the 2010 California Plumbing Code, the 2010 California Mechanical Code, the 2010 California Electrical Code, the California Housing Law Regulations, the 2009 International Property Maintenance Code, the 2009 Uniform Swimming Pool, Spa and Hot Tub Code, and the 2009 Uniform Solar Energy Code.

Presenter: Brian Fenty, Building Official.

Mayor Abelson opened the public hearing. No speakers.

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

Action: Moved, seconded (Potter/Lyman) and carried unanimously to adopt Ordinance No. 2010-09.

7. POLICY MATTERS

A. Agreement with Design-Build Entity for Construction of the El Cerrito Recycling Center

Adopt a resolution authorizing the City Manager to execute a contract with the Design-Build Entity *Pankow, Special Projects and Noll & Tam Architects* in an amount not exceed \$2,800,000

to design and construct the El Cerrito Recycling Center/Environmental Services Division offices and authorizing contract amendments not to exceed \$140,000.

Presenters: Melanie Mintz, Environmental Services Manager, Jim Coil, Pankow, Special Projects and Chris Tam, Noll & Tam Architects.

Speakers: Robin Mitchell, El Cerrito, expressed her support for the project, particularly its net zero energy feature, sustainability and water saving features.

Action: Moved, seconded (Jones/Potter) and carried unanimously to adopt Resolution No. 2010-72 to select *Pankow, Special Projects and Noll & Tam Architects* as first choice for the project and authorize the City Manager to enter into and execute a contract in an amount not to exceed \$2,800,000 and contract amendments not to exceed \$140,000 for the project and as amended at the request of Councilmember Jones, to authorize the City Manager, if he/she determines it to be necessary, to enter into and execute a contract with Plant/Cavagnero in an amount not to exceed \$2.8 million and contract amendments in an amount not to exceed \$140,000.

B. Recycling Center Reconstruction Financing

Adopt a resolution authorizing the City Manager to enter into a \$3,500,000 15-year lease agreement with Holman Capital Corporation for the reconstruction of the Recycling Center.

Presenter: Mary Dodge, Administrative Services Director.

Action: Moved, seconded (Lyman/Cheng) and carried unanimously to adopt Resolution No. 2010-73.

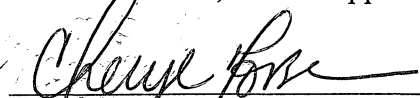
8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Abelson reported that the West Contra Costa Transportation Advisory Committee (WCCTAC) discussed the I-80 Integrated Corridor Mobility Project at its last meeting. This project will make a number of traffic improvements to prevent delays without building any new lanes. Techniques such as signal coordination and signals at freeway on-ramps to determine the number of cars allowed to enter into a lane at any point time in time would be used. There has been a lot of discussion about the local component. WCCTAC approved the project only if the maintenance is funded by a source other than the five West County Cities and the County. Hopefully, funding will be found. Studies also indicated that improvements on I-80 would be greater than local improvements. WCCTAC also took the position that improvements have to be the same between the highway and local streets. At the West County Mayors & Supervisors Association meeting, the board received a presentation on the banning the use of plastic bags. Mayor Abelson described the discussion as interesting and complicated and that the issue needs some time to mature. Mayor Abelson also reported on her attendance at the Association of Bay Area Governments (ABAG) General Assembly in San Jose. The Assembly discussed the economy and sustainability.
- B. Councilmember Cheng – No report.
- C. Councilmember Jones reported that the Planning Commission will be reviewing the Safeway Plan at its next meeting on November 17. Councilmember Jones also reported that he attended the November Mayors Conference in Hercules on behalf of Mayor Abelson.
- D. Councilmember Lyman reported that the Financial Advisory Board met twice to discuss the financing of the recycling center and is conducting its annual review of Financial and Investment Policies. The Crime Prevention Committee is planning its next National Night Out on August 2, 2011.

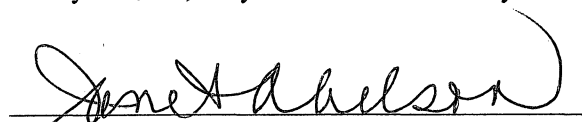
- E. Councilmember Potter echoed the great success of the Arts Day in El Cerrito. The Arts Commission will meet this week to discuss approval of the icons for San Pablo Avenue Streetscape Project. The Human Relations Commission needs more members and Councilmember Potter encouraged all residents to apply to serve on this commission by November 30th. Councilmember Potter also informed that she serves as an alternate on the West Contra Costa Unified School District Bond Oversight Committee and noted that her term will expire next month and encouraged all to apply. The Bond Oversight Committee recently approved getting increased bond indebtedness relative to the operating budget of the school district in order to close some of their budget gaps. Councilmember Potter stated that it is very important for El Cerrito to be represented. Councilmember Potter has been informed that there is discussion to restructure the Oversight Committee to remove representation by each of the five cities.

9. ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING at 9:24 p.m.

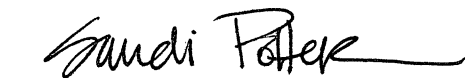
THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Special City Council and Concurrent Regular City Council and Redevelopment Agency meetings of November 15, 2010 as approved by the El Cerrito City Council and Redevelopment Agency.



Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency



Janet Abelson, Mayor



Sandi Potter, Redevelopment Agency Chair