

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING

Monday, May 17, 2010 – 7:10 p.m.

Hillside Conference Room

CITY COUNCIL MEETING

Monday, May 17, 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
Potter**

**Councilmember William C. Jones, III
Greg Lyman**

Councilmember/Agency Chair Sandi

Councilmember/Agency Vice-Chair

ROLL CALL

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

7:10 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the Special City Council meeting at 7:10 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

ANNOUNCEMENT OF CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION**

**Significant exposure to litigation pursuant to Government Code Section
54956.9(b):**

One potential case

RECESSED INTO CLOSED SESSION at 7:12 p.m.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:37 p.m.

ROLL CALL

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

7:30 p.m.

CONVENE CITY COUNCIL MEETING

Mayor Abelson convened the City Council meeting at 7:42 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Abelson announced that the City Council had met in closed session prior to its regular meeting and provided direction to staff.

Councilmember Lyman announced the following upcoming events: 1) On May 22 from 11:00 a.m. to 2:00 p.m. the City invites everyone to participate in the Bike Rodeo at the St. Johns School Parking Lot near the Ohlone Greenway; 2) The West County Winds will celebrate their Silver Anniversary by performing at the El Cerrito High Performing Arts Center on May 23 at 3:00 p.m. More information is located at www.westcountywinds.org; 3) The City Council is currently recruiting applicants for various city boards and commissions. Recruitments for the Financial Advisory Board and Design Review Board will close May 24; 4) On May 27 in Richmond and June 1 in El Cerrito from 7:00 to 8:30 p.m., the cities of Richmond and El Cerrito will conduct community meetings on the Greenway Gap Closure Project; 5) On May 30 at 2:00 p.m. at the El Cerrito High School Theater there will be a Chinese Arts and Culture Program. More information can be obtained by contacting chineseartsprogram@yahoo.com; 6) Bike the Bridges for Special Olympics, hosted by the El Cerrito, Hercules, Martinez and Benicia Police Departments is June 6. Check-in is at 8:30 a.m. and the ride begins at 9:30 a.m. Please call 215-4414 x26 for more information; and 7) On June 24 at 7:00 p.m., Stege Sanitary District will conduct a public hearing at its office on Schmidt Lane, regarding proposed increases in service rates.

On May 14, Councilmembers Jones, Cheng and Lyman attended the West Contra Costa Public Education Fund Annual Dinner. Over twenty students were recognized and awarded scholarships; four are from El Cerrito High. Stephanie Wong will be going to UC Davis, Cynthia Fong to Brown University, Jazmin Orozco to UC Santa Cruz, and Charlestine Vann to Howard University. Additionally, on May 6, the City of El Cerrito hosted the Contra Costa Mayors Conference at the Mira Vista Country Club. Walnut Creek City Manager Gary Pokorny discussed public pension reform.

Mayor Pro Tem Cheng reported that over seventy people attended the Triplets of Bellville film at the Cerrito Theater prior to Bike to Work Day. Free valet bike parking was provided and there were many raffle prizes. On Bike to Work Day over 360 people came out within 2 hours from 7:00 to 9:00 a.m. There were 150 more

more participants than last year. Mayor Pro Tem Cheng noted that it was great to see the biking community grow and represent all ages. She thanked staff for their hard work and for all of the bike related information booths.

Councilmember Jones lamented over the \$1.7 million in redevelopment funds that the City was forced to turn over to the State of California for the State's budget shortfall. The League of California Cities sued the State and lost in court and was not successful in getting a stay. The League is currently preparing an appeal. The \$1.7 million is in addition to the \$360,000 that the city will not be getting this year.

Councilmember Potter expressed her disappointment with the State's taking of redevelopment funds and acknowledged the El Cerrito High School scholars mentioned by Councilmember Lyman. Councilmember Potter reported that the El Cerrito High Mountain Bike Team finished its season and a number of the athletes will be advancing to the national championship in Colorado, including Varsity Team Member Chris Bennet and three of the five girls on the team, Julia, Molly and Riley.

Councilmember Potter also expressed her appreciation for the Police Department's collaboration with the El Cerrito High Mountain Bike Team.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, noted that one of the Ed Fund scholarships is from the Art and Norma Schroeder Scholarship Fund and how the Schroeders continue to serve the City. Mr. Miller thanked Mr. Mead for his coverage of Stege Sanitary District in The Journal and the West County Times. Mr. Miller clarified a statement in a recent article regarding the process for filing formal protests to Stege's proposed service rate increase. Formal Proposition 218 protests against the increase must be submitted in writing or by fax so that the owner can be verified against county records. Questions can be addressed by calling 510-524-4668. Mr. Miller also announced that Stege has a new office building on Schmidt Lane.

Rich Bartke, President, El Cerrito Historical Society, informed the Council that the Society had been honored two hours prior at the City of Richmond Council Chambers for Tom Pana's exhibit and book on Japanese-American families before and after World War II. Mr. Bartke also stated that he was present this evening to celebrate former Society president, Sundar Shadi and his substantial donation for a history room located in the New City Hall. The new history room is furnished but is not yet occupied. The Society wishes to move its archives to the history room for enhanced preservation and easier access. The Historic Society's hope is that the room will be named after Dorothy and Sundar Shadi.

4. PRESENTATIONS

Proclamation Commending Karen Grassle and Joann Steck-Bayat

Approve and present a proclamation recognizing the significant contributions of Karen Grassle and Joann Steck-Bayat to the El Cerrito Community and commending

commending their community outreach and education efforts in advancing disaster preparedness through their participation in the production of the film "Loma Prieta Revisted."

Action: Presented proclamation to Ms. Grassle and Ms. Steck-Bayat.

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

Moved, seconded (Cheng/Potter) and carried unanimously to approve Consent Calendar Item Nos. 5A through 5G as indicated below.

A. Historical Room at El Cerrito City Hall

Adopt a Resolution memorializing the Historical Room at El Cerrito City Hall in honor of Dorothy and Sundar Shadi and authorizing the City Manager to enter into a license agreement with the El Cerrito Historical Society for use of the Historical Room.

Action: Adopted Resolution No. 2010–24.

B. Minutes for Approval

Approve the May 3, 2010 Special City Council and Regular City Council Meeting Minutes.

Action: Approved minutes.

C. Confirm Reduced Summer 2010 Schedule

Approve the City Manager's recommendation to adopt a reduced City Council Meeting Schedule in July, August, and September consistent with the last nine years.

Meeting dates in July, August and September would be July 19, August 16, and September 20, 2010 with an added request to keep the first Monday in each month reserved for special meetings as needed.

Action: Approved a reduced City Council Meeting Schedule in July, August and September 2010 as follows: July 19, August 16 and September 20, 2010.

D. Solid Waste Ordinance Update

First Reading May 3, 2010. Vote: Ayes – Councilmembers Cheng, Jones, Lyman and Mayor Abelson; Noes – None; Absent – Councilmember Potter

Waive second reading and adopt Ordinance No. 2010–06 amending of the El Cerrito Municipal Code Chapter 8.12 – Collection and Disposal of Waste Stream.

Action: Adopted Ordinance No. 2010–06.

E. Officer of the Year

Approve a proclamation commending Detective John-Tracy Wahrlich on the occasion of his recognition by the Exchange Club of Albany–El Cerrito as the Officer of the Year on May 26, 2010 and extending appreciation to Detective Wahrlich for his devotion to duty, self-confidence and professional focus that

exemplifies community based policing in the City of El Cerrito.

Action: Approved proclamation.

F. Quarterly Investment Report

Receive and file the City's March 31, 2010 Quarterly Investment Report.

Action: Received and filed.

G. Rescheduling of Landscape and Lighting Assessment District Public Hearing from May 17, 2010 to June 21, 2010

Adopt a resolution changing the time and date of the public hearing for the Landscape and Lighting Assessment District No. 1988-1 from May 17, 2010 at 7:30 p.m. to June 21, 2010 at 7:30 p.m.

Action: Adopted Resolution No. 2010-25. Rescheduled public hearing to June 21, 2010 at 7:30 p.m.

6. PUBLIC HEARINGS

A. Master Fee Schedule

Conduct a public hearing and upon conclusion, adopt a resolution approving a revised Master Fee Schedule for Fiscal Year 2010-2011.

Presenter: Mary Dodge, Administrative Services Director.

Mayor Abelson opened the public hearing. No speakers.

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

Action: Moved, seconded (Cheng/Lyman) and carried unanimously to adopt Resolution No. 2010-26 including no increase for the Rental Housing Inspection Fees as referenced in Section 10, page 4 of the revised schedule.

B. Storm Drain Fees

Conduct a public hearing and upon conclusion, adopt a resolution approving the Storm Drain Annual Report for Fiscal Year 2010-11 and directing that Storm Drain Fees be collected on property tax rolls.

Presenter: Mary Dodge, Administrative Services Director.

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 Resolution No. 2010-27.

7. POLICY MATTERS

Wireless Telecommunications Urgency Ordinance

Approve by title, waive any further reading, and adopt an urgency ordinance establishing a citywide moratorium on the issuance of conditional use permits for wireless telecommunications facilities pending a review of existing regulations of such facilities and study of opportunities to encourage the use of new technology that would eliminate or reduce the need for such facilities. Under Government Code section 65858, a four-fifths vote is required to adopt the ordinance.

Presenter: Sky Woodruff, City Attorney.

Speakers: Jeff Peters, El Cerrito, spoke in support of the moratorium and preparation of new policies.

Gilda Puente-Peters, El Cerrito, thanked the Council for listening to the community's concerns and expressed her support for the moratorium and revisiting the city ordinance.

Pam Bennett, El Cerrito, expressed her support for the moratorium and an updated zoning ordinance.

Rochelle Silberman, El Cerrito, expressed her support for the moratorium and encouraged the Council to make smart choices for the community.

Marina Ratner, El Cerrito, thanked the Council for looking at this issue and expressed her support for the moratorium and referenced ordinances of neighboring cities.

Rossana Craig, El Cerrito, expressed her support for the moratorium and stated that she did not think there was a need for the tower.

Dianne Brenner, El Cerrito, expressed her support for the moratorium and thanked the Council for listening to the community's concerns. Ms. Brenner said it was her hope that any new regulations recognize internationally safety standards and reflect the best and safest technology available.

Andrew Neuman, El Cerrito, expressed his support for the moratorium.

Action: Moved, seconded (Jones/Lyman) and carried unanimously to adopt Ordinance No. 2010-07. *Effective immediately.*

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Abelson reported that the Environmental Quality Committee met and had a very active session including considerable audience participation regarding the domestic animal ordinance, particularly chickens. Mayor Abelson stated that the Committee provided a good forum for this issue and that she hoped to see the same format repeated for other issues.

- B. Councilmember Cheng – No update.
- C. Councilmember Jones reported that the Integrated Waste Management Authority will be formalizing its fee contract in June. The Authority Board received testimony regarding Richmond and El Cerrito's implementation plan for the food scrap program.
- D. Councilmember Lyman reported that the Financial Advisory Board has begun examining some of the assumptions in the City's annual budget.
- E. Councilmember Potter reported that the Arts and Culture Commission conducted a meeting to receive input on design ideas for the San Pablo Avenue Streetscape Public Art Project. Preliminary design efforts are ongoing for this project. Councilmember Potter invited everyone to visit the second floor art gallery to view a new show featuring pastels by Pam Fingado.

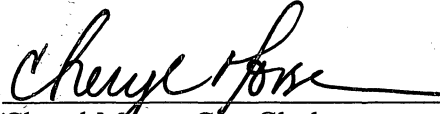
SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 6(A) Master Fee Schedule

Reformatted Master Fee Schedule which includes a change indicating that there is no increase for the Rental Housing Inspection Fees as referenced in Section 10, page 4 of the revised schedule – *Submitted by Mary Dodge, Administrative Services Director.*

- 9. ADJOURNED CITY COUNCIL MEETING** at 9:03 p.m. in memory of Robert Whitaker, who grew up in El Cerrito and served in the El Cerrito Police Department for 34 years including Chief of Police from 1974 until his retirement in 1980.

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council and Regular City Council meeting of May 17, 2010 as approved by the El Cerrito City Council.


Cheryl Morse, City Clerk


Janet Abelson, Mayor