



AGENDA

SPECIAL CITY COUNCIL MEETING

Tuesday, January 6, 2015 – 6:00 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, January 6, 2015 – 7:00 p.m.

City Council Chambers

Council will move to the Hillside Conference Room to resume commissioner interviews after adoption of the Consent Calendar

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Mark Friedman – Mayor

Councilmember Janet Abelson
Councilmember Jan Bridges

Mayor Pro Tem Greg Lyman
Councilmember Gabriel Quinto

ROLL CALL

6:00 p.m. CONVENE SPECIAL CITY COUNCIL MEETING

ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items listed on this special meeting agenda only.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.

ADJOURN SPECIAL CITY COUNCIL MEETING

7:00 p.m. ROLL CALL

CONVENE REGULAR CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Mayor Pro Tem Lyman

2. COUNCIL / STAFF COMMUNICATIONS (*Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.*)

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. PRESENTATIONS – None

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

A. Minutes for Approval

Approve the December 16, 2014 regular City Council meeting minutes.

B. Adopt Zoning Text Amendment Ordinance

Approved by unanimous vote on December 16, 2014.

Waive any further reading and adopt Ordinance No. 2015–01 amending Title 19 of the El Cerrito Municipal Code to amend definitions relating to supportive housing, transitional housing and lot line types. Municipal Code Chapters 19.06, 19.07, 19.46 and 19.47 will be amended.

C. Adopt Community Choice Aggregation Program Ordinance

Approved by unanimous vote on December 16, 2014

Waive any further reading and adopt Ordinance No. 2015–02 authorizing the implementation of a Community Choice Aggregation Program, approving the Marin Clean Energy Joint Powers Authority Agreement and authorizing the City Manager to execute the Joint Powers Authority Agreement with Marin Clean Energy.

D. Storm Drain Easement Agreement with Ohlone Gardens, L.P.

Adopt a resolution authorizing the City Manager to execute an easement agreement with Ohlone Gardens, L.P. for public storm drain facilities located at 6493-6495 Portola Drive. *Exempt from CEQA.*

E. Annual Council Liaison Reorganization and Appointments

Approve Mayor Friedman’s recommendation to confirm a revised assignment list to reflect a change in the December 16 list that assigns Councilmember Abelson to the Parks and Recreation Commission and Mayor Friedman to the Human Relations Commission.

6. RECESS TO HILLSIDE CONFERENCE ROOM

7. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Resume interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.

8. ADJOURN REGULAR CITY COUNCIL MEETING

The next City Council meeting is Tuesday, January 20, 2014 at 7:00 p.m. at City Hall, 10890 San Pablo Avenue, El Cerrito, California.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- The Deadline for agenda items and communications is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority



Special City Council Meeting – 6:00 p.m.
Interviews resume after 7:00 p.m. meeting

Date: January 6, 2015
To: Honorable Mayor and Members of the City Council
From: Cheryl Morse, City Clerk *CSM*
Subject: Commission Interviews

JANUARY 6 INTERVIEW SCHEDULE

Candidates listed below are scheduled for an interview this evening:

6:00 p.m.	Mollie Hazen [Arts 1 st Choice, CPC 2 nd , PC 3 rd]
6:15 p.m.	Kevin Colin [PC 1 st Choice]
6:30 p.m.	Kevin Markarian [PC 1 st Choice, DRB 2 nd]
6:45 p.m.	<i>5 Minute Break</i>
6:50 p.m.	Andrea Lucas [PC 1 st and only choice]
7:00 p.m.	<i>Convene regular City Council meeting in Chambers</i>
7:30 p.m.	<i>Adjourn regular City Council meeting and return to Hillside Conference Rm.</i>
7:40 p.m.	Nicholas Arzio [PC 1 st and only choice]
7:55 p.m.	Glenn Wood [DRB 1 st and only choice]
8:05 p.m.	Pamela Austin [DRB 1 st choice, PRK 2 nd , Tree 3 rd]
8:20 p.m.	Henry Chan [PC 1 st choice, EDC 2 nd , EQC 3 rd]
8:35 p.m.	Rosemarie Vekony [PC 1 st , EQC 2 nd , DRB 3 rd]
8:50 p.m.	Ben Chuaqui [DRB 1 st , PRK 2 nd , PC 3 rd]
9:05 p.m.	<i>Council deliberation</i>

BACKGROUND

Staff began publicizing vacancies on all the Boards, Commissions and Committees in mid-September and posted the Annual Maddy Act Notice in mid-October. Although the City conducts a continuous recruitment, the deadline for submitting applications for the first round of interviews was set at December 8. At the conclusion of the recruitment 27 applications for boards, commissions and committees had been received. In accordance

Special City Council Meeting Commission Applicant Interviews

with new rules adopted by the City Council on December 3, 2013, sitting commissioners will term out on January 1, 2015. New appointments resulting from the interviews conducted in January and February will become effective March 1, 2015. Staff will bring an item before the Council at its January 20 meeting regarding interim appointments to fill this gap. Any candidates who have listed a committee as a preferred choice on their applications are contacted by the City Clerk and the staff liaison to discuss the committee appointment process.

ARTS & CULTURE COMMISSION (ACC) [Two vacancies]

There are two vacancies on the Arts and Culture Commission. The vacancies were created by the resignation of Michelle Jawad and Luis Zavala. Mollie Hazen has applied for the Commission listing it as her first choice [CPC 2nd, PC 3rd]. No other applications have been received to date so staff will continue to recruit for the other vacancy.

CITIZENS STREET OVERSIGHT COMMITTEE (CSOC) [Two vacancies]

There are two vacancies on the Citizen Street Oversight Committee. Thomas Miller and Liz Oszelcuk's terms expire January 1. Ms. Oszelcuk is not interested in pursuing consideration of an additional term. Thomas Miller has submitted an application for another term. Marlene Keller has also applied. Both Mr. Miller and Ms. Keller will be scheduled for interview at an upcoming meeting.

CIVIL SERVICE COMMISSION (CSC) [Three vacancies]

There are three vacancies on the Civil Service Commission. The Council received applications from the following applicants: Michael Fischer (CSC 1st choice, PC 2nd, EQC 3rd); Judy Heyenga (CSC 1st choice, HRC 2nd, CPC 3rd) and Bruce Yow (Parks 1st choice, CSC 2nd, COA 3rd) who currently serves on the Crime Prevention Committee.

DESIGN REVIEW BOARD (DRB) [One vacancy]

Glenn Wood's term will expire January 1. He is eligible to serve a second term. Additional applicants for DRB are: Kevin Markarian (PC 1st choice, DRB 2nd), Pamela Austin (DRB 1st choice, PRK 2nd, Tree 3rd) and Rosemary Vekony (PC 1st, EQC 2nd, DRB 3rd). All candidates are scheduled for interview this evening.

FINANCIAL ADVISORY BOARD (FAB) [No vacancy]

HUMAN RELATIONS COMMISSION (HRC) [Four vacancies]

There are four vacancies on this Commission. Vacancies were recently created by the election of Councilmember Quinto, the inability of long standing member Ms. Durham to apply for another term and Ms. Parker who declined. Applications have been received from the following candidates: Margo Hunter Parisi (HRC 1st choice, PC 2nd, EQC 3rd); Judy Heyenga (CSC 1st, HRC 2nd, CPC 3rd) and Lydia Hughes (EDC 1st, HRC 2nd, CPC 3rd)

PARKS AND RECREATION (PRK) [Two vacancies]

There are two vacancies on this Commission. There is one existing vacancy and Robin Mitchell's (PRK 1st, EQC 2nd) first term ends January 1, 2015. Ms. Mitchell will be

Special City Council Meeting Commission Applicant Interviews

scheduled for an interview at a later date. Pamela Austin (DRB 1st, PRK 2nd, Tree 3rd) and Ben Chuaqui (DRB 1st, PRK 2nd and PC 3rd) are scheduled for interviews this evening and both have listed the Parks and Recreation Commission as their second choice. Rochelle Pardue-Okimoto (PRK 1st, HRC 2nd) and Bruce Yow (PRK 1st, CSC 2nd, COA 3rd) have listed Parks and Recreation as their first choice and will be scheduled for interviews at a later date along with applicants Charles Hargrove (EQC 1st, PRK 2nd, PC 3rd), Jia Ma (EDC, HRC, PRK) who have also listed PRK as one of their choices.

PLANNING COMMISSION (PC) [Two vacancies]

The Planning Commission has two vacancies. Andrea Lucas, current chair of the Commission, has applied for a second term on the Commission. Ms. Lucas is scheduled for an interview this evening along with Nicolas Arzio (PC 1st and only), Henry Chan (PC 1st, EDC 2nd, EQC 3rd), Kevin Collin (PC 1st and only), Kevin Markarian (PC 1st, DRB 2nd), and Rosemarie Vekony (PC 1st, EQC 2nd, DRB 3rd) who have all listed the Planning Commission as their first choice. Ben Chuaqui (DRB 1st, PRK 2nd, PC 3rd) and Mollie Hazen (ACC 1st, CPC 2nd, PC 3rd) have listed the Planning Commission as their third choice and are also scheduled for interviews this evening.

Michael Fischer (CSC 1st, PC 2nd, EQC 3rd), Charles Hargrove (EQC 1st, PRK 2nd, PC 3rd), and Margo Hunter Parisi (HRC 1st, PC 2nd, EQC 3rd) have also selected the Planning Commission as either a second or third choice and will be scheduled for interviews at a later date.

TIMING OF FUTURE INTERVIEWS

The City Council will need at least 3.5 more hours to complete interviews of the remaining eleven candidates and any additional candidates that result from an extended recruitment for the Arts & Culture Commission, CCCTA Citizens Advisory Committee and any other commissions the Council wishes to extend a recruitment for. Depending upon the mutual availability of the City Council and board and commission applicants, the Council has several options: 1) Schedule three interviews prior to the January 20, February 3, February 17 and March 3 regular City Council meetings; 2) Schedule a meeting devoted to interviews on a Saturday in January or February; 3) Schedule a Monday meeting and a meeting or two prior to a regular City Council meeting to complete the interviews.

Attachments:

1. Applicant Matrix
2. Candidate Applications
3. Interview questions for consideration
4. Appointment list

2015 Board and Commission Applicant Matrix
Attachment 1

	<i>Arts & Culture (2 Vacancies)</i>	<i>Citizens Street Oversight (2 Vacancies)</i>	<i>Civil Service Commission (3 Vacancies)</i>	<i>Committee on Aging (2 Vacancies)</i>	<i>Crime Prevention (9 Vacancies)</i>	<i>Design Review Board (1 Vacancy)</i>	<i>Economic Devt. Cmte. (5 Vacancies this year)</i>	<i>Environmental Quality (5 Vacancies)</i>	<i>Financial Advisory Board (0 Vacancies)</i>	<i>Human Relations (4 Vacancies)</i>	<i>Park and Recreation (2 Vacancies)</i>	<i>Planning Commission (2 Vacancies)</i>	<i>Tree Committee (5 Vacancies this year)</i>	<i>Interview Date</i>	<i>Appointed?</i>
Nicholas Arzio												1 st		1/6/15	
Pamela Austin						1 st					2 nd		3 rd	1/6/15	
Henry Chan							2 nd	3 rd				1 st		1/6/15	
Ben Chuaqui						1 st					2 nd	3 rd		1/6/15	
Kevin Colin												1 st		1/6/15	
Michael Fischer			1 st					3 rd				2 nd		TBD	
Charles Hargrove								1 st			2 nd	3 rd		TBD	
Mollie Hazen	1 st				2 nd							3 rd		1/6/15	
Judy Heyenga			1 st		3 rd					2 nd				TBD	
Lydia Hughes					3 rd		1 st			2 nd				TBD	
Marlene Keller		1 st												TBD	
Andrea Lucas												1 st		1/6/15	
Jia Ma							1 st		1 st		1 st			TBD	
Kevin Markarian						2 nd						1 st		1/6/15	
Thomas Miller		1 st												TBD	
Robin Mitchell								2 nd			1 st			TBD	
Rochelle Pardue-Okimoto										2 nd	1 st			TBD	
Margo Hunter Parisi								3 rd		1 st		2 nd		TBD	
Rosemarie Vekony						3 rd		2 nd				1 st		1/6/15	
Glenn Wood						1 st								1/6/15	
Bruce Yow			2 nd	3 rd							1 st			TBD	

2015 Board and Commission Applicant Matrix
Attachment 1



**January 6, 2015
Special City Council Meeting**

Commission Applicant Interviews

Attachment 2 – Candidate Applications

Attachment 3 – Interview Questions for Consideration

Hardcopies are available for review at:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito, CA
(510) 215-4305

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA

2015 EL CERRITO BOARD AND COMMISSION APPOINTMENT LIST
Appointments become effective March 1, 2015

ARTS & CULTURE COMMISSION

(2 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2015	3/1/2016
_____	_____	3/1/2015	3/1/2017

CITIZENS STREET OVERSIGHT COMMITTEE

(2 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2015	
3/1/2019			
_____	_____	3/1/2015	
3/1/2019			

CIVIL SERVICE COMMISSION

(3 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2015	3/1/2018
_____	_____	3/1/2015	3/1/2019
_____	_____	3/1/2015	3/1/2019

DESIGN REVIEW BOARD

(1 Vacancy)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2015	3/1/2019

HUMAN RELATIONS COMMISSION

(4 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2015	3/1/2016
_____	_____	3/1/2015	3/1/2017

**Special City Council Meeting
January 6, 2015
Attachment 4**

		3/1/2015	3/1/2019
		3/1/2015	3/1/2019

PARKS & RECREATION COMMISSION (2 Vacancies)

Name	Date Appointed	Start	Term Expiration
		3/1/2015	3/1/2019
		3/1/2015	3/1/2019

PLANNING COMMISSION (2 Vacancies)

Name	Date Appointed	Start	Term Expiration
		3/1/2015	3/1/2019
		3/1/2015	3/1/2019

**CONTRA COSTA TRANSPORTATION AUTHORITY CITIZENS ADVISORY COMMITTEE
(1 Vacancy on 3/1/15)**

Name	Date Appointed	Start	Term Expiration
		3/1/2015	3/1/2019

Financial Advisory Board (No Vacancy)

Contra Costa Library Commission (No Vacancies)

Contra Costa Mosquito and Vector Control District Board of Trustees (No Vacancy)

West Contra Costa Unified School District Bond Oversight Committee (Alternate Vacancy)

Updated: December 13, 2014

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, December 16, 2014 – 7:00 p.m.
City Council Chambers

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

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Jan Bridges

Councilmember Janet Abelson
Councilmember Gabriel Quinto

ROLL CALL

Councilmembers Abelson, Bridges, Lyman, Quinto and Mayor Friedman.

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Friedman convened the regular City Council meeting at 7:00 p.m.

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Councilmember Bridges.
- 2. COUNCIL / STAFF COMMUNICATIONS** – *None*
- 3. ORAL COMMUNICATIONS FROM THE PUBLIC**

Maria Sahagun, Richmond, stated that she was representing the Doctors Medical Center Committee (DCAC) comprised of doctors, nurses and community members who are working together to avert the closure of Doctors Hospital and the West Contra Costa County Healthcare District. Ms. Sahagun stated that the groups were able to secure significant money from the state, get the Richmond City Council to reallocate the community benefits agreement from Chevron and is fighting to keep Doctors Hospital open. The hospital serves 250,000 people, is the only cardiac center between Vallejo and Oakland and handles most of the trauma in West County. Ms. Sahagun distributed a draft resolution to the City Council and asked them to consider supporting the “5 by 8” Shared Commitment Plan with options set forth by DMC to provide full service hospital services to residents of El Cerrito and to all residents of West Contra Costa County. Ms. Sahagun also spoke in support of Consent Calendar Item No. 5(B), the Human Rights Month Proclamation.

Howdy Goudey, El Cerrito, distributed comments regarding the Regional Water Quality Control Board’s review of the stormwater management plan and condo proposal for 1715 Elm Street. Mr. Goudey stated that there are still details to be worked out to make 1715 Elm a better project. Placing the building so close to the creek is ill advised and is detrimental to the built environment as well as the natural environment. Mr. Goudey stated that it is his

hope that negotiations will include a discussion of ways to widen the creek corridor.

Al Miller, El Cerrito, acknowledged the work of those who put together the Sundar Shadi Holiday Display on Moeser and SeaView and noted that it brings great enjoyment to those who come to see it and is a great community building project. Mr. Miller invited everyone to help disassemble the site on December 27 at 10:00 a.m. when it is put away for the year.

Donald Hawks, El Cerrito, expressed concerns about the storm drain at 500 Sea View Avenue. The storm drain overflows and causes a problem for the residents. It may result in an insurance problem for the City. Mr. Hawks also expressed concerns about advertising city services to other cities as he has found several city brochures in the trash in Berkeley.

Tom Panas, El Cerrito, encouraged all to visit the employee art exhibit at City Hall. It shows another side of city employees.

4. PRESENTATION

A. Design Review Board Work Plan – *Presentation by Margaret Leighly, Chair of the Design Review Board.*

Receive a presentation regarding the Design Review Board's accomplishments, goals and workplan.

Action: Received presentation.

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

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

A. Minutes for Approval

Approve the December 2, 2014 City Council regular meeting minutes.

Action: Approved minutes.

B. Proclamation Declaring December 2014 as Human Rights Month

At the request of the Human Relations Commission, approve a proclamation declaring December 2014 as Human Rights Month in the City of El Cerrito and encouraging all residents to study and promote the ideas contained in the Universal Declaration of Human Rights to the end that freedom, justice and equality will flourish and be made available to all.

Action: Approved proclamation.

C. Delegation of Authority to Execute California Department of Transportation (Caltrans) Documents to Receive Federal Funding

Adopt a resolution authorizing the City Manager and the Public Works Director/City Engineer to execute all Disadvantaged Business Enterprise (DBE) Agreements, Right-of-Way Certifications, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and any amendments thereto with the California Department of Transportation. *Exempt from CEQA.*

Action: Adopted Resolution No. 2014–77.

D. Reclassification in Aquatics Division of the Recreation Department

Adopt a resolution approving the reclassification of the Community Services Coordinator position in the Aquatics Division of the Recreation Department to Assistant Program Supervisor.

Action: Adopted Resolution No. 2014–78.

E. Quarterly Investment Report

Receive and file the City's Quarterly Investment Report for the period ending September 30, 2014.

Action: Received and filed.

6. PUBLIC HEARINGS

A. Join the Marin Clean Energy Joint Powers Authority and Implement a Community Choice Aggregation Program in El Cerrito

Conduct a public hearing and upon conclusion: 1) Adopt a resolution requesting membership in the Marin Clean Energy (MCE) Joint Powers Authority (JPA) and authorizing the City Manager to execute the JPA Agreement with MCE; and 2) Introduce by title, waive any further reading and approve an ordinance authorizing the implementation of a Community Choice Aggregation Program, approving the MCE JPA Agreement, and authorizing the City Manager to execute the JPA Agreement with MCE.

Presenter: Maria Sanders, Interim Environmental Services and Operations Division Manager.

Mayor Friedman opened the public hearing. 9 speakers.

Speakers: Al Miller, El Cerrito, expressed his support for joining the MCE JPA and stated that he wished to be associated with comments submitted by Howdy Goudey that were included in the agenda ePacket. Mr. Miller asked the City Council to discuss risks associated with participation in the JPA prior to voting.

Mark Miner, El Cerrito, Environmental Quality Committee Chair (EQC), stated that the EQC has been following community choice aggregation before MCE went live in 2010 and has studied, endorsed and advocated community choice aggregation. This will be the lynchpin for achieving climate action plan goals in El Cerrito. Benefits include providing choice to consumers, competition in the marketplace, local renewable resources and innovation in energy efficiency programs. Mr. Miner said it would be nice to have people realize that spending the additional penny per kilowatt will be really great.

Tom Panas, El Cerrito, thanked staff and MCE for their hard work in putting the materials together for the City Council's consideration and also thanked the City Council for directing staff to move forward aggressively to take advantage of this opportunity. Mr. Panas urged the City Council to adopt the resolution and said that he is looking forward to joining the program and supplying the energy from his solar panels to the JPA. He also asked whether the City needs to update the Climate Action Plan goals so the City has a new goal to which it can aspire.

David McCoard, El Cerrito, stated that he is excited to enroll in deep green and would love to see solar put on shopping center roof tops. Mr. McCoard noted that he had seen the survey results in the agenda packet and there is overwhelming support for MCE and 80% support for deep green.

Dave Weinstein, El Cerrito, EQC member, stated that he is really glad to see that this project is going and stated that he would like to see the PACE program get going too. Joining MCE will be the most significant thing the City can do to reduce greenhouse gases.

Howdy Goudey, El Cerrito, EQC member, spoke in support of joining MCE and community choice aggregation. It offers residents a democratic choice and express their values in their purchase of electrical power. This is important not only to reduce greenhouse gasses but also to give options and increase choice in the community. Mr. Goudey stated that he looks

forward to participating in the outreach and said he hopes El Cerrito will meet Richmond's impressive enrollment and opt-in statistics.

Steve Barton, El Cerrito, stated that he is thrilled that the City is going ahead with the program and providing residents with a public option in the energy field.

Robin Mitchell, El Cerrito, expressed her support for joining MCE and joining the community choice aggregation community. One of the most important features of the program is the democratization of how city residents can get their energy. The City cannot meet its greenhouse goals by relying on an investor owned utility.

Bill Kuhlman, El Cerrito, encouraged the City Council to adopt the resolution and move forward with the MCE Joint Powers Authority agreement. There is a significant population in El Cerrito that is looking for a way to vote with their wallets for sustainable, clean energy.

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

Actions: Moved, seconded (Abelson/Bridges) and carried unanimously to adopt Resolution No. 2014–79.

Moved, seconded (Lyman/Bridges) and carried unanimously to approve Ordinance No. 2015–01. *Second reading scheduled for January 6, 2015.*

B. Approval of Various Zoning Ordinance Text Amendments

Conduct a public hearing and upon conclusion introduce by title, waive any further reading and approve an ordinance containing various changes to El Cerrito Municipal Code Chapters 19.06, 19.07, 19.46 and 19.47.

Presenter: Margaret Kavanaugh–Lynch, Development Services Manager.

Mayor Friedman opened the public hearing. No speakers.

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

Action: Moved, seconded (Lyman/Bridges) and carried unanimously to approve Ordinance No. 2015–02. *Second reading scheduled for January 6, 2015.*

7. POLICY MATTERS

A. Draft 2015–2023 Housing Element Update

Receive a staff presentation pertaining to the Draft 2015–2023 Housing Element, provide comments on the Draft Housing Element and authorize submittal of the Draft Housing Element to the State Department of Housing and Community Development (HCD) for State-level review as required pursuant to California Government Code Section 65300.

Presenter: Hilde Myall, Senior Housing Program Manager.

Speakers: Howdy Goudey, El Cerrito, complemented staff on a very sound plan and asked how the plan will be used and guided locally. There needs to be a public process to provide opportunities to introduce, discuss and debate the important measures that are being considered. Items that should get attention and good discussion would focus on greenhouse gasses in new construction and new developments investing in conservation easements for agriculture and open space.

Tom Panas, El Cerrito, stated that he appreciated staff's efforts and outreach on the Housing Element. Mr. Panas said he would like to see the Housing Element say that El Cerrito will strive to provide as many housing units for people with developmental disabilities as our local and regional bodies identify as likely living in El Cerrito.

Steve Barton, El Cerrito, remarked that he appreciated the good values the Council has been working with city staff on. The Bay Area, including El Cerrito is an extremely high rent area

because of the incredible imbalance between supply and demand. Rents are double the United States average. Low income tenants have been hit incredibly hard due to increasing income inequality and this is completely unfair. It is essential for the City to do everything it can to develop additional long term affordable housing. The eviction for just cause measure is a small step but is very important.

Bill Kuhlman, El Cerrito, Planning Commission, reported that the Planning Commission had considered the draft Housing Element at its last meeting and made a recommendation to forward the draft Housing Element on to the state for review and comment and move forward with the process. Mr. Kuhlman highlighted the following five policy issues that resulted from public input: 1) One third of the City's inventory of affordable housing is at risk of conversion to market rate housing in approximately 2019-2020. This is described in Appendix B of the report; 2) The policy proposal to adopt an eviction for cause ordinance has great potential for misunderstanding and hyperbole. It is important to take up the issue and adopt an ordinance. It is important to engage people in El Cerrito that are advocates for tenant rights and are experienced and knowledgeable landlords to craft the best ordinance; 3) The policy to encourage and facilitate the construction of secondary accessory units represents low hanging fruit. It's a great opportunity to expand the inventory of available affordable housing. Everything should be done to promote the policy and move it forward; 4) Regarding Policy 1.1 encouraging neighborhood preservation, the Commission heard from a resident who advocated architectural design standards in the review process; and 5) New policies aimed at providing special needs housing deserve all the creative energy that can be mustered to find solutions and drive this type of development. Mr. Kuhlman concluded by saying the City has done an excellent job of providing solutions for affordable housing. The City doesn't just have a plan, it is moving dirt and steel and is delivering on its promise of affordable housing.

Robin Mitchell, El Cerrito, stated that just cause eviction regulations are important to have and it is also important to let tenants know they have recourse.

Action: Moved, seconded (Lyman/Bridges) and carried unanimously to provide guidance to staff to submit a revised Draft 2015-2023 Housing Element Update with the following changes:

- 1) Modify Policy H3.5 to read, "Encourage the development of housing accessible to people with disabilities, including developmental disabilities, to match the numbers established by local and regional entities" (See page 106);
- 2) Modify Program H1.5 Eviction for Good Cause Ordinance to read, "The City shall vet and consider adopting a Good Cause for Eviction Ordinance that would prohibit landlords from terminating tenancy without good or just cause." (See page 110);
- 3) Modify Table A4 - Potential Sites to reinstate line 67 and explain that the property has been purchased for open space; and
- 4) Incorporate the changes recommended by the Planning Commission as identified in redlined changes contained in Attachment 3 to this evening's staff report, specifically changes to pages 13-14, Section I.E.2 Housing Needs Survey and pages 15-17, Section II.B.a Historical, Existing, and Forecast Growth.

B. Annual Council Liaison Reorganization and Appointments

Discuss appointment of City Council members to regional bodies and local boards commissions and committees and approve appointments for 2015.

Action: The City Council, my mutual consensus, agreed with the change in appointments for 2015. Mayor Friedman noted that one of Councilmember Abelson's appointments would be modified due to a scheduling conflict prior to the next City Council meeting.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports.

Mayor Pro Tem Lyman reported that he attended the last Association of Bay Area Government (ABAG) meeting as an Contra Costa Mayors Conference appointed alternate board member. ABAG is actively starting its revision to *Plan Bay Area* and is thinking of having county meetings with delegates from each of the nineteen cities to receive input on the plan. ABAG wants to come to council meetings to inform cities about the services ABAG provides and also inform cities about the *Plan Bay Area* update.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:46 p.m.

SUPPLEMENTAL COMMUNICATIONS AND COMMUNICATIONS

Item No. 6(A) Join the Marin Clean Energy Joint Powers Authority and Implement a Community Choice Aggregation Program in El Cerrito

1. Comments in support of joining Marin Clean Energy – *Submitted by Ian Bennett, El Cerrito.*

2. Comments in support of joining Marin Clean Energy – *Submitted by Jeannie Pham, El Cerrito.*

3. Results from responses on the Open El Cerrito On-Line Forum – *Submitted by Maria Sanders, Interim Environmental Services and Operations Division Manager.*

Item No. 7(A) Draft 2015-2023 Housing Element Update

4. Powerpoint presentation – *Submitted by Hilde Myall, Senior Housing Project Manager.*

5. Request for inclusion of an eviction for good cause ordinance in the housing element as a way to protect affordable housing – *Submitted by Theresa Karr, Executive Director, California Association of Realtors – Contra Costa Napa Solano Division.*

6. Housing units for people with developmental disabilities - *Submitted by Tom Panas, El Cerrito.*

7. Comments on the Bay Area crises in affordable rental housing and the El Cerrito Housing Element – *Submitted by Stephen Barton, El Cerrito.*

Other:

8. Draft resolution in support of the proposed “5 by 8” shared commitment plan with options to keep Doctors Medical Center Open and restore emergency department services and provide health care services to residents of El Cerrito and to all residents of West Contra Costa County – *Submitted by Maria Sahagun, Richmond.*

9. Comments regarding the Regional Water Quality Control Board’s questions pertaining to the 1715 Elm Condo Project stormwater management plan and the City’s creeks ordinance – *Submitted by Howdy Goudey, El Cerrito.*

10. Government by Emotion – *Submitted by Donald Hawks, El Cerrito.*

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING TITLE 19 OF THE EL CERRITO MUNICIPAL CODE TO AMEND DEFINITIONS RELATING TO SUPPORTIVE HOUSING, TRANSITIONAL HOUSING AND LOT LINE TYPES

SECTION 1. RECITALS

- A. On November 19, 2014, the Planning Commission, by Resolution PC 14-18, considered various Zoning Text Amendments relating to definitions pertaining to supportive housing, transitional housing and lot line types, and recommended that the City Council consider and adopt the amendments; and
- B. On November 19, 2014, the Planning Commission, by Resolution PC 14-18, also considered and accepted the determination that the application is categorically exempt from review under CEQA pursuant to Section 15061(b)(3), Review for Exemption (General Rule Exemption), because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

SECTION 2. MUNICIPAL CODE AMENDMENT

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN THAT THE FOLLOWING SECTIONS OF TITLE 19 OF THE EL CERRITO MUNICIPAL CODE ARE AMENDED TO READ AS FOLLOWS (*underlined text indicates text that is added and strikeout indicates the deletion of text*):

- A. Section 19.06.020 – Residential Land use regulations is hereby amended to read as follows:

Inserted below Table 19.06- A USE REGULATIONS – RESIDENTIAL DISTRICTS
Transitional and Supportive Housing are allowed in all zoning districts under the same standards as other types of permitted residential uses.

- B. Section 19.07.020 – Commercial and Transit Oriented Mixed-Use Districts - Land use regulations is amended to read as follows:

Inserted below Table 19.07- A
Transitional and Supportive Housing are allowed in all zoning districts under the same standards as other types of permitted residential uses.

- C. Section 19.07.020 - Land use regulations, Table 19-07A is amended to remove the reference to Transitional Housing, as follows:

~~Transitional Housing L-2 and L-6~~ — C

D. Section 19.46.030 - USE CLASSIFICATIONS is amended to remove text as follows:

~~Transitional Housing. Establishments providing temporary housing in a structured living environment and where residents have access to various voluntary support services, such as health, mental health, education and employment/training services to obtain skills necessary for independent living. Living accommodations are shared living quarters with or without separate kitchen or bath facilities for each room or unit. The occupancy period shall be at least 30 days. This category excludes temporary housing that does not include support services and community social service facilities such as emergency shelters.~~

E. Section 19.47.020 - DEFINITIONS is amended to add the following text:

Supportive Housing.

Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

Transitional Housing.

Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance.

F. Section 19.47.02 – DEFINITIONS is further amended to insert the following language under the existing definition **Lot Line Type**.

In case of unusual circumstances, the Zoning Administrator may use their discretion to re-assign Front, Side and Rear Lot Line Types in a way that best serves the spirit and intent of Zoning Ordinance.

SECTION 3. NOTICING, POSTING AND PUBLICATION

This ordinance is adopted pursuant to the procedures established by state law, and all required notices have been given, and the public hearing has been properly held and conducted.

SECTION 4. EFFECTIVE DATE

This ordinance shall not take effect until thirty days after the second reading, February 5, 2015.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on December 16, 2014 and passed by the following vote:

AYES:	Councilmembers Abelson, Bridges, Lyman, Quinto and Mayor Friedman
NOES:	None
ABSTAIN:	None

ABSENT: None

ADOPTED AND ORDERED PUBLISHED at a regular meeting of the City Council held on the January 6, 2015 and passed by the following vote:

AYES: Councilmembers

NOES: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers

APPROVED:

Mark Friedman, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on January ___, 2015.

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2015-01 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the ___ day of January, 2015; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this ___th day of January, 2015.

Cheryl Morse, City Clerk

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, APPROVING THE MARIN CLEAN ENERGY JOINT POWERS AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE JOINT POWERS AGREEMENT WITH MARIN CLEAN ENERGY

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS

On September 24, 2002, the Governor signed into law Assembly Bill 117 (Stat. 2002, Ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the “CCA Act”), which authorizes any California city or county, whose governing body so elects, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as Community Choice Aggregation (CCA); and

The CCA Act expressly authorizes participation in a CCA program through a joint powers agency, and on December 19, 2008, Marin Clean Energy (MCE), formerly known as Marin Energy Authority, was established as a joint powers authority pursuant to a Joint Powers Agreement, as amended from time to time (“MCE Joint Powers Agreement”); and

The purpose of MCE is to address climate change by reducing energy related greenhouse gas emissions and securing energy supply, price stability, energy efficiencies and local economic and workforce benefits; and

On February 2, 2010, the California Public Utilities Commission certified the “Implementation Plan” of MCE, confirming MCE’s compliance with the requirements of the Act; and

The City of El Cerrito adopted a Climate Action Plan on May 21, 2013 with the goal of reducing greenhouse gas emissions from the El Cerrito community and its own city operations by 15% below 2005 emissions levels by 2020 and 30% below 2005 levels by 2035; and

The El Cerrito Climate Action Plan contains goals and objectives to reduce reliance on fossil fuel based energy by increasing renewable energy throughout El Cerrito, including membership in a CCA, which it identified to be one of the most cost-effective greenhouse gas emissions reductions strategies available to the City; and

The City Council supports the mission of MCE and its intent to promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including solar and wind energy production at competitive rates for customers; and

Agenda Item No. 5(C)

In order to become a member of MCE, the Act requires the City to individually adopt an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction by and through its participation in Marin Clean Energy; and

This administrative action is exempt from CEQA, pursuant to State CEQA Guidelines Section 15378, which states there cannot be a project unless the proposed action will result in “either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” State CEQA Guidelines Section 15378(b)(5) states that “Organization or administrative activities of governments that will not result in direct or indirect physical changes in the environments” are not projects. Joining a CCA presents no foreseeable significant adverse impact to the environment because California State regulations such as the Renewable Portfolio Standard and the Resource Adequacy requirements apply equally to CCAs as they do the City’s current electricity supplier, PG&E.

SECTION 2. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Title 14 of the California Administrative Code, the City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons: (1) Pursuant to State CEQA Guidelines Section 15378, there cannot be a project unless the proposed action will result in “either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment;” and (2) State CEQA Guidelines Section 15378(b)(5) states that “organization or administrative activities of governments that will not result in direct or indirect physical changes in the environments” are not projects.

SECTION 3. APPROVAL

The City Council of the City of El Cerrito elects to implement a Community Choice Aggregation program within the City’s jurisdiction by and through the City’s participation in MCE. The City Manager is hereby authorized to execute the MCE Joint Powers Agreement.

SECTION 4. NOTICING, POSTING, AND PUBLICATION

This ordinance is adopted pursuant to the procedures established by state law, and all required notices have been given, and the public hearing has been properly held and conducted.

SECTION 5. EFFECTIVE DATE

This ordinance shall not take effect until thirty days after the second reading, January 6, 2015.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on December 16, 2014 and passed by the following vote:

AYES:	Councilmembers Abelson, Bridges, Lyman, Quinto and Mayor Friedman
NOES:	None

Agenda Item No. 5(C)

ABSTAIN: None
ABSENT: None

ADOPTED AND ORDERED published at a regular meeting of the City Council held on January 6, 2015 and passed by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

APPROVED:

Mark Friedman, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on January 6, 2015.

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2014-XX of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the _ day of January, 2015; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this __th day of January, 2015.

Cheryl Morse, City Clerk



AGENDA BILL

Agenda Item No. 5(D)

Date: January 6, 2015
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Storm Drain Easement Agreement with Ohlone Gardens, L.P.

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute an Easement Agreement with Ohlone Gardens, L.P. for public storm drain facilities located at 6493-6495 Portola Drive.

BACKGROUND

The Ohlone Gardens project is a 57-unit, mixed-use affordable rental development for families and persons with special needs located at 6493-6495 Portola Drive (new address assigned by City Building Official in October 2014). The project developer and property owner is Ohlone Gardens, L.P., an affiliate of Resources for Community Development. The El Cerrito Planning Commission originally approved a conditional use permit for the project on August 19, 2009 and the Design Review Board approved the design of the project on October 14, 2009. Time extensions to the project entitlements were approved by the Zoning Administrator on September 9, 2011 and Planning Commission on May 16, 2012.

The City Council, acting as housing successor, adopted Resolution No. 2015-25 (April 17, 2012) approving the execution of a Loan Amendment to the existing Loan Agreement with the Ohlone Gardens, L.P., and approving a replacement plan for special needs units and supportive services. Most recently, on October 16, 2013, the Planning Commission approved a change to a previously approved conditional use permit to reduce the size of the commercial space from 4,650 square feet to 3,189 square feet reflecting a change in the supportive services to be provided to residential tenants.

Project construction began in Spring 2014 and is anticipated to be completed in Summer 2015.

ANALYSIS

During the construction of the project, it was discovered that several existing public storm drain facilities, including 42-inch and larger diameter pipes and associated structures, which are currently maintained by the City, would have to be relocated because they were within the footprint of the building foundation. The storm drain facilities are collecting stormwater runoff from areas east of the project site. It was also discovered that the existing storm drain facilities were constructed on private property

without a recorded easement. The Easement Agreement is required to allow for City operation, inspection, maintenance, repair, replacement, and removal of public storm drain facilities on this private property as needed in the future.

STRATEGIC PLAN CONSIDERATIONS

Execution of the Easement Agreement is consistent with El Cerrito Strategic Plan Goal F – *Foster environmental sustainability citywide*. Specifically, approval of this action will support the “make municipal operations more resource efficient” strategy by clarifying the City’s ownership and maintenance responsibilities in the future.

ENVIRONMENTAL CONSIDERATIONS

The City previously determined that the Ohlone Gardens project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 - In-Fill Development Projects). In addition, the storm drain relocation work is categorically exempt from CEQA pursuant to Section 15302 (Class 2 – Replacement or Reconstruction) because the work is a reconstruction of existing utility facilities where the new utility facilities will be located on the same site as those replaced and will have substantially the same purpose as those replaced with negligible to no expansion of capacity.

FINANCIAL CONSIDERATIONS

Execution of the Easement Agreement will have no fiscal impact on the City. No funds are being exchanged for execution of the Easement Agreement. The property owner will provide an easement on its property according to the Agreement, granting the City access rights in perpetuity. The costs for relocating the storm drain facilities within the easement are paid for by the property owner. The City will continue to provide the same level of maintenance for these storm drain facilities so costs are not expected to increase beyond current levels on an annual basis.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and Easement Agreement, and found that legal considerations have been addressed. The Easement Agreement will be recorded with the Contra Costa County Recorder if approved by City Council.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Accompanying Resolution
2. Easement Agreement

RESOLUTION 2014-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT
AGREEMENT WITH OHLONE GARDENS, L.P. FOR PUBLIC STORM DRAIN
FACILITIES LOCATED AT 6493-6495 PORTOLA DRIVE**

WHEREAS, the Ohlone Gardens is a 57-unit, mixed-use affordable rental development for families and persons with special needs located at 6493-6495 Portola Drive, and the project developer and property owner is Ohlone Gardens, L.P., an affiliate of Resources for Community Development; and

WHEREAS, during the construction of the development project, it was discovered that several existing public storm drain facilities, which are currently maintained by the City, would have to be relocated because they were within the footprint of the building foundation; and

WHEREAS, it was also discovered that the existing storm drain facilities were constructed on private property without a recorded easement; and

WHEREAS, the City previously determined that the Ohlone Gardens project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 - In-Fill Development Projects) and additionally the storm drain relocation work is categorically exempt from CEQA pursuant to Section 15302 (Class 2 – Replacement or Reconstruction) because the work is a reconstruction of existing utility facilities where the new utility facilities will be located on the same site as those replaced and will have substantially the same purpose as those replaced with negligible to no expansion of capacity; and

WHEREAS, an Easement Agreement is required to allow for City operation, inspection, maintenance, repair, replacement, and removal of public storm drain facilities on this private property as needed in the future.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito, that it hereby authorizes the City Manager to execute an Easement Agreement with Ohlone Gardens, L.P. for public storm drain facilities located at 6493-6495 Portola Drive.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on January 6, 2015 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on January 6, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor

Recording Requested by
and when recorded, return to:

City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Attention: City Manager

FOR RECORDER'S USE ONLY

Free Recording Pursuant to
Government Code §27383

EASEMENT AGREEMENT
(Storm Drain Improvements)

For and in consideration of the acceptance by the Grantee of the hereinafter described easement for public use and to enable relocation of storm drain facilities by OHLONE GARDENS, L.P., a California Limited Partnership ("Owner"), Owner hereby grants to CITY OF EL CERRITO ("Grantee"), an easement (the "Easement") for the operation, inspection, maintenance, repair, replacement and removal of a storm drain pipe and associated storm drain structures under and through the real property described in Exhibit A and depicted on Exhibit B (the "Easement Area"), subject to the conditions stated in this Agreement.

1. Terms of Easement. The Easement shall burden the Easement Area, shall be non-exclusive, perpetual in duration (unless terminated by the written agreement of the Owner and the Grantee), and shall run with the land.

2. Non-Exclusive Use. The Owner may use the Easement Area, including the surface of the Easement Area, for any purpose which is not inconsistent with the Grantee's permitted use of the Easement Area. However, neither party shall place or permit any temporary or permanent improvement of any nature on the Easement Area which might impair the parties' respective rights to use the Easement Area. Moreover, Owner shall not erect any structure beyond that which is currently located or approved to be located within the Easement Area without obtaining the prior written approval of the Grantee

3. Grantee's Obligations. In exercising its rights hereunder, the Grantee shall comply with the following conditions:

(a) The Grantee shall notify the Owner at least two (2) business days prior to accessing the Easement Area for any purpose, except in the event of an emergency, in which case the Grantee shall give notice to the Owner as reasonable under the circumstances.

(b) In performing activities under this Agreement, the Grantee shall not unreasonably impair the Owner's use of the Easement Area. In the event Grantee anticipates activities that could materially affect access to the Owner's property or improvements thereon, the Grantee shall provide at least five (5) business days' prior notice to the Owner to allow the Owner to inform its tenants and/or provide alternative means of access.

(c) The Grantee shall take all reasonable steps necessary to secure that portion of the Easement Area in which the Grantee is performing any activities.

(d) The Grantee shall be solely responsible for the cost of any activities permitted under this Agreement.

(e) Following the completion of any activities, the Grantee shall restore the Easement Area, including any surface improvements, to the condition existing prior to the commencement of such activities, reasonable wear and tear excepted, except for any improvements beyond those approved under Section 2 or otherwise approved in writing by the Grantee or that impair the Grantee's rights to use the Easement Area. (f) The Grantee shall defend, indemnify and hold the Owner harmless from and against losses, actions, demands, damages, claims, costs and expenses (including, but not limited to, experts fees and attorneys' fees and costs) and liabilities of whatever kind or nature that arise out of or are in any way connected with the activities of the Grantee or any entity or individual acting under the Grantee's direction or control under this Agreement, except and to the extent resulting from any gross negligence or willful misconduct of the Owner.

(g) The provisions of this Section 3 shall survive expiration or termination of this Agreement.

4. Default. The failure by a party to perform any covenant or obligation of such party hereunder and to cure such non-performance within twenty (20) business days after written notice by the other party shall constitute a default hereunder. Upon a default the aggrieved party shall be entitled to all remedies, legal and equitable, allowed by law, except termination of the Easement herein granted.

5. Amendments. This Agreement may be amended or otherwise modified only by a writing signed and recorded by the parties hereto.

6. No Third Party Beneficiaries. The provisions of this Agreement are for the exclusive benefit of the parties and their successors and assigns, subject to the provisions hereof. This Agreement shall not be deemed to confer any rights upon any person except the parties and their successors and assigns.

7. Attorneys' Fees. If either party brings an action or proceeding against the other by reason of a default, or otherwise arising out of this Agreement, the prevailing party in such action or proceeding shall be entitled to its costs and expenses of suit, including but not limited to reasonable attorneys' fees, which shall be payable whether or not such action is prosecuted to judgment.

8. Notices. All notices required shall be in writing and shall be deemed to have been given (1) when hand delivered to the other party; or (2) three business days after the same have been deposited in a United States post office with first-class or certified mail, return receipt requested, postage prepaid; or (3) the next business day after same have been deposited with an overnight delivery service, provided that the sending party receives a confirmation of delivery from delivery service provider.. All notices shall be addressed as follows:

To the Owner: Ohlone Gardens, L.P.
c/o Resources for Community Development
2220 Oxford Street
Berkeley, CA 94704
Attention: Executive Director

To the City: The City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530Attn: Public Works Director/City Engineer

9. Recording: Easements to Run with the Land. This Agreement shall be recorded by the parties, and it is hereby agreed that the terms and conditions set forth in this Agreement shall be considered covenants running with the land.

10. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California.

11. Miscellaneous Provisions.

(a) If any provision hereof shall be held invalid or unenforceable, the remainder hereof shall not be affected thereby, and each provision hereof shall be valid and enforceable to the fullest extent permitted by law.

(b) Time is of the essence with respect to the performance of every provision of this Agreement in which time of performance is a factor.

(c) This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one document.

Signatures on Following Pages

The parties have executed this Agreement as of the latest date indicated below.

CITY:

The City of El Cerrito

By: _____

Title: City Manager

Date: _____

OWNER:

OHLONE GARDENS, L.P.,
a California limited partnership

By: RCD GP LLC,
a California limited liability company,
its general partner

By: Resources for Community Development,
a California nonprofit public benefit corporation,
its sole member/manager

By: _____
Daniel Sawislak
Executive Director

Date: _____

SIGNATURES MUST BE NOTARIZED

State of California

County of _____

On _____ before me _____,
Date

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

State of California

County of _____

On _____ before me _____,
Date

personally appeared _____

_____ ,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

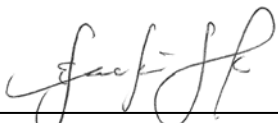
EXHIBIT "A"
Storm Drain Easement

All that real property situated in the City of El Cerrito, County of Contra Costa, State of California, being a portion of Lot 41 and a portion of Lot 42, as said Lots 41 and 42 are shown on that certain Map entitled "Amended Map of the Schmidt and Fink Tract", filed June 16, 1894 in Book D of Maps, at Page 80, in the Office of the County Recorder of Contra Costa County, more particularly described as follows:

COMMENCING at the most Southerly corner of that parcel of land as described in that certain Grant Deed to Ohlone Gardens, L.P., a California limited liability company, recorded July 1, 2009 as Document Number 2009-0154574, Official Records of Contra Costa County; thence along the Northerly line of Portola Drive (formerly known as Fink Lane) as shown on that Record of Survey, filed March 15, 2010 in Book 142 of LSM, at Page 25, in the Office of the County Recorder of Contra Costa County, North 60°56'31" East, 107.83 feet to the POINT OF BEGINNING; thence leaving said Northerly line through the interior of said parcel, North 23°48'11" East, 21.16 feet; thence North 58°19'44" East, 19.93 feet; thence North 03°18'14" East, 37.23 feet to the Northeasterly line of that parcel of land as described in that certain Grant Deed to Ohlone Gardens, L.P., a California limited liability company, recorded July 1, 2009 as Document Number 2009-0154575, Official Records of Contra Costa County; thence along said Northeasterly line, South 31°40'24" East, 17.44 feet; thence leaving said Northeasterly line through the interior of said parcel, South 03°18'14" West, 28.15 feet; thence South 58°19'44" West, 22.03 feet; thence South 23°48'11" West, 4.85 feet to the Northerly line of Portola Drive; thence along said line, South 60°56'31" West, 16.56 feet to the POINT OF BEGINNING.

CONTAINING 667 square feet, more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.



JACQUELINE LUK, PLS 8934

DATE: 11/17/2014

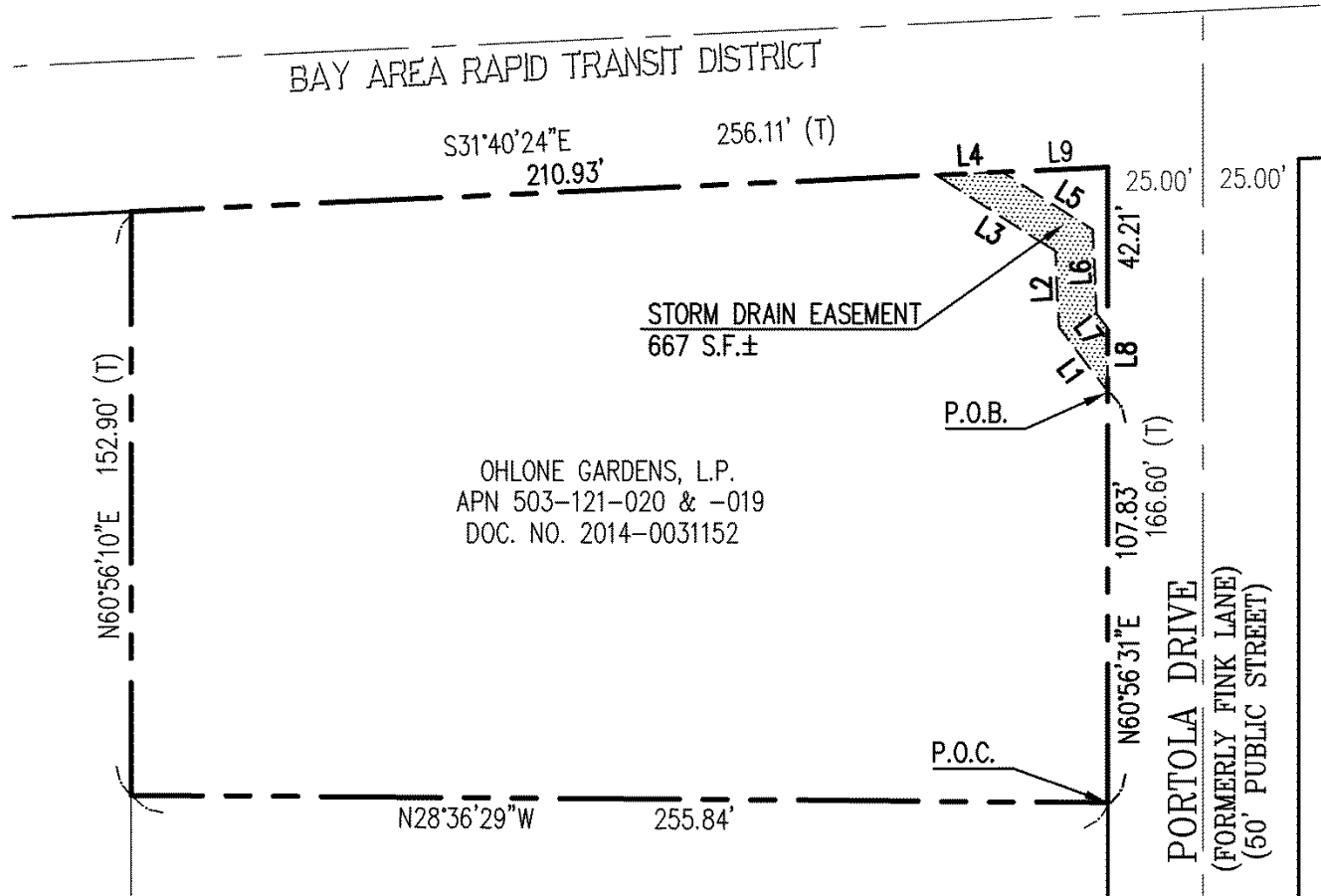


Exhibit B

LEGEND

---	BOUNDARY LINE
---	RIGHT OF WAY LINE
---	ADJACENT LOT LINE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
APN	ASSESSOR'S PARCEL NUMBER
DOC. NO.	DOCUMENT NUMBER
S.F.	SQUARE FEET
(T)	TOTAL
	STORM DRAIN EASEMENT

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.16'	N23°48'11"E
L2	19.93'	N58°19'44"E
L3	37.23'	N03°18'14"E
L4	17.44'	S31°40'24"E
L5	28.15'	S03°18'14"W
L6	22.03'	S58°19'44"W
L7	4.85'	S23°48'11"W
L8	16.56'	S60°56'31"W
L9	27.74'	S31°40'24"E



Jacqueline Luk
JACQUELINE LUK, LS 8934

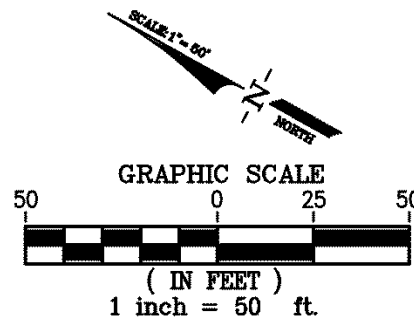


EXHIBIT "B" STORM DRAIN EASEMENT

PLAT TO ACCOMPANY LEGAL DESCRIPTION
6431 & 6495 PORTOLA DRIVE
CITY OF EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA
Luk and Associates
CIVIL ENGINEERS - LAND PLANNERS - LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724-3388
MAY 2014 SCALE: 1"=50'

SHEET 1 OF 1

PLOT DATE: 5/9/2014

REVISED 2015 COUNCIL LIAISON ASSIGNMENTS			
LEGISLATIVE BODY		2014 Appointee	2015 Appointee
Association of Bay Area Governments (ABAG), General Assembly (Delegate - <i>Meets Thursdays in April and October, 8:30 am to 3:30 pm</i>)		Benassini	Friedman
Association of Bay Area Governments (ABAG), General Assembly (Alternate)		Friedman ¹	Quinto
League of California Cities East Bay Division (Delegate – <i>Meets many months on 4th Thurs, 7 pm, var. Cities. Also 3 day Annual League Conference in September</i>)		Abelson	Abelson
League of California Cities East Bay Division (Alternate)		Friedman	Quinto
Contra Costa Mayors’ Conference (Delegate - <i>Meets 1st Thurs, 6:30 pm, var. cities</i>)		Abelson (Mayor) ²	Friedman
Contra Costa County Mayors’ Conference (Alternate)		Benassini (MPT) ³	Lyman
West County Mayors’ & Supervisors’ Assn. (<i>Meets 4th Thurs, 8:00 am, var. cities</i>)		Abelson (Mayor)	Friedman
West County Mayors’ & Supervisors’ Association (Alternate)		Benassini (MPT)	Lyman
West Contra Costa Transportation Advisory Committee (Delegate) (<i>Generally Meets 4th Fri, 8:00 am, City of San Pablo – Makes appointment to CCTA</i>)		Abelson	Abelson
West Contra Costa Transportation Advisory Committee (Alternate)		Lyman	Lyman
Contra Costa Transportation Auth. Board Member (<i>appointments made by WCCTA or Mayors’ Conference – full board meets 3rd Wednesday, 6:00 pm, Walnut Creek</i>)		Abelson	Abelson
East Bay Green Corridor Principal (<i>Greg suggests 2 years</i>)		Lyman	Lyman
Tom Bates Regional Sports Field JPA (<i>meets qtlly. on 2nd Wed, 5:30 pm, Albany</i>)		Bridges	Bridges
Tom Bates Regional Sports Field JPA (Alternate)		Benassini	Quinto
West County Integrated Waste Management Authority (Delegate) (<i>Generally meets 2nd Thurs evening per month, 7:00 pm, City of San Pablo</i>)		Lyman	Lyman
West County Integrated Waste Management Authority (Alternate)		Friedman	Friedman
Arts & Culture Commission (<i>Meets 4th Mon, 7:00 pm</i>)		Lyman	Quinto
Crime Prevention Committee (<i>Meets 2nd Wed, 7:00 pm</i>)		Friedman	Quinto
Committee on Aging (<i>Meets 3rd Wed, 3:00 pm</i>)		Abelson	Abelson
Design Review Board (<i>Meets 1st Wed, 7:30 pm</i>)		Lyman	Bridges
Economic Development Committee (<i>Meets 1st Thurs, 6:30 pm</i>)		Benassini	Friedman
Environmental Quality Committee (<i>Meets 2nd Tues, 7:00 pm</i>)		Bridges	Lyman
Financial Advisory Board (<i>Meets 2nd Tues, 7:00 pm</i>)		Abelson	Lyman
Human Relations Commission (<i>Meets 1st Wed, 7:00 pm</i>)		Bridges	Friedman
Park and Recreation Commission (<i>Meets 4th Wed, 7:00 pm</i>)		Benassini	Abelson
Planning Commission (<i>Meets 3rd Wed, 7:30 pm</i>)		Friedman	Quinto
Tree Committee (<i>Meets 2nd Mon, 7:00 pm</i>)		Abelson	Bridges
Municipal Service Corporation Chair (<i>Established by MSC bylaws</i>)		Abelson (Mayor)	Friedman
Municipal Service Corporation Vice-Chair (<i>Established by MSC bylaws</i>)		Benassini (MPT)	Lyman
Pension Board Chair (<i>Meets same as Council</i>)		Abelson (Mayor)	Friedman
Pension Board (Alternate)		Benassini (MPT)	Lyman
Successor Agency to the Former Redevelopment Agency Chair (<i>Per bylaws</i>)		Abelson (Mayor)	Friedman
Successor Agency to the Former Redevelopment Agency Vice-Chair (<i>Per bylaws</i>)		Benassini (MPT)	Lyman
Disaster Preparedness Council (Delegate) (<i>Inactive</i>)		Abelson (Mayor)	Friedman
Disaster Preparedness Council (Alternate) (<i>Inactive</i>)		Benassini (MPT)	Lyman
Commission/Committee Rules Subcommittee		Abelson/Bridges	Abelson/Bridges
Wall of Fame – Ad Hoc Committee – Assigned upon receipt of a nomination		Friedman/Lyman	Friedman/Lyman

¹ Grey text used to accentuate “Alternate” positions; ² “(Mayor)” used to indicate position is assigned to current Mayor; ³ “(MPT)” used to indicate position assigned to current Mayor Pro Tem; ⁴ TBA = to be assigned