



AGENDA

CITY COUNCIL MEETING
Monday, November 21, 2011 – 7:30 p.m.
City Council Chambers

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

Ann Cheng – Mayor

Mayor Pro Tem Bill Jones
Councilmember Rebecca Benassini

Agency Chair/Councilmember Janet Abelson
Councilmember Greg Lyman

ROLL CALL

7:30 p.m. CONVENE CITY COUNCIL MEETING

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG** – led by Councilmember Benassini.
- 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 limited to 3 minutes per person. Please 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. PRESENTATION** – None.
- 5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5D**

Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion unless a request for removal for discussion or explanation is received prior to the time Council votes on the motion to adopt.

A. Minutes for Approval

Approve the November 7, 2011 Special City Council and Regular City Council meeting minutes.

B. Second Reading of the Animals Ordinance

Adopt an ordinance amending Title 7 ("Animals") of the El Cerrito Municipal Code by amending Chapter 7.04 ("County Regulations"), adding a new Chapter 7.06 ("Definitions") and repealing and re-enacting Chapters 7.08 ("Keeping Animals") and Chapter 7.12 ("Dogs").

C. Acceptance of Public Right of Way Easement

Adopt a resolution accepting a grant deed from the San Francisco Bay Area Rapid Transit District (BART) for a public right-of-way easement adjacent to the El Cerrito Plaza BART Station on Central Avenue, west of the Ohlone Greenway, and authorizing the City Manager to execute the grant deed pending approval by BART.

D. Quarterly Investment Report

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

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Transit Oriented Development Feasibility and Parking Study

Discuss transit oriented development feasibility and parking studies for the Specific Plan Update and Del Norte Transit Oriented Development Strategy.

B. Discussion of Council Meeting Day Change

At the request of Councilmember Benassini, discuss changing the City Council meeting day from the first and third Monday of each month to the first and third Tuesday at 7:30 p.m. Provide direction to staff on whether to return to the City Council in December with an ordinance amendment.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Cheng Assignments: Association of Bay Area Governments (ABAG) General Assembly Delegate, Arts and Culture Commission, League of California Cities East Bay Division Alternate, Contra Costa County Mayors' Conference, Disaster Preparedness Council Alternate, Human Relations Commission, Pension Board, Temporary Permits Committee, and West Contra Costa Transportation Advisory Committee Alternate.

B. Councilmember Abelson Assignments: Association of Bay Area Governments (ABAG) General Assembly Alternate, League of California Cities East Bay Division Delegate (also attends Annual League Conference in September), Committee on Aging, Environmental Quality Committee, Temporary Permits Committee, West Contra Costa Transportation Advisory Committee Delegate.

C. Councilmember Benassini Assignments: Economic Development Board, Financial Advisory Board, San Pablo Avenue Area Specific Plan Committee, Tom Bates Regional Sports Field JPA Alternate, West County Regional Library Board Alternate.

D. Mayor Pro Tem Jones Assignments: Contra Costa County Mayors' Conference Alternate, Pension Board Alternate, Planning Commission, San Pablo Avenue Area Specific Plan Committee, Disaster Preparedness Council Delegate, Tom Bates Regional Sports Field

JPA; Underground Utilities Committee, West County Mayors' & Supervisors' Association Alternate, West County Integrated Waste Management Authority Delegate, West County Library Board Delegate.

E. Councilmember Lyman Assignments: Crime Prevention Committee, Design Review Board, Park and Recreation Commission, and West County Integrated Waste Management Authority Alternate.

9. ADJOURN CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is December 5, 2011 at 7:30 p.m. in the Council Chambers, 10890 San Pablo Avenue, El Cerrito.

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. 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/gov/>. 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 seven 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 of the Council.

EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL MEETING
Monday, November 7, 2011 – 7:30 p.m.
City Council Chambers

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

Ann Cheng – Mayor

Mayor Pro Tem Bill Jones
Councilmember Rebecca Benassini

Agency Chair/Councilmember Janet Abelson
Councilmember Greg Lyman

ROLL CALL

7:30 p.m. CONVENE CITY COUNCIL MEETING

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

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Mayor Pro Tem Jones.
2. **COUNCIL / STAFF COMMUNICATIONS**

Karen Pinkos, Assistant City Manager, announced the launching and redesign of the City's new website at www.el-cerrito.org. The website will offer several new features such as providing opportunities for residents to interact with the City.

Councilmember Abelson thanked the public who attended the movie, "Bag It." The movie is about the problems of using plastic bags. The movie was featured at the Cerrito Theater and sponsored by the Environmental Quality Committee.

Councilmember Benassini thanked Manzanita Charter School teacher Mr. Gravelle and his 7th and 8th grade history classes for coming to City Hall to learn about local government from herself and Councilmember Abelson. On November 14, from 11:00 am to 12:00 p.m. there will be an open house regarding the proposed Eden Housing Senior Housing project for the purpose of collecting community input on the project proposed for the Tradeway site. The open house will be at the Senior Center.

Mayor Pro Tem Jones, stated that if anyone like to see what is happening with the BART retrofit and how it may impact the Ohlone Greenway in El Cerrito they can take a look at work that is currently going on in the City of Albany, across from the Community Center and Library.

Mayor Cheng reported that the City's recent Bicycle Town Hall meeting was very successful; over thirty people attended. There are many great improvements coming and updates were provided on the Ohlone Greenway BART retrofit. Mayor Cheng also reported that a local business owner of Elevation 66 Brewery who participated in the *Occupy Oakland/Occupy Wall Street* movement was beaten by the Oakland Police. Mayor Cheng extended her personal support for his right to protest and stated that it is unfortunate that there weren't more diplomatic ways to deal with the protestors.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Dave Mandel, El Cerrito, thanked the City Council and City Manager Hanin for managing the City's budget so successfully and for maintaining and beautifying the City and seeking to serve all people so well. Mr. Mandel stated that the Contra Costa Florist complex is a unique part of the nation's cultural history and urged the City Council to include the Mabuchi Family building as part of the Tradeway project.

Sandi Genser-Maack, Richmond, spoke about the Japanese flower growing community, and stated that the Contra Costa Florist building is the last remnant of the widespread Japanese floral industry. Ms. Genser-Maack encouraged the Redevelopment Agency and Eden Housing to work with the Japanese community and the historical society to be sure that the Mabuchi building, a culturally important artifact, is incorporated into the new project sensitively and appropriately.

Tom Yamashita, Richmond, stated that his parents were part of the local floral industry for over forty years and summarized the importance of the industry when families returned from internment camps and needed jobs and about the industry's role in the local economy at the time. Mr. Yamashita also commented on the service of Japanese Americans in the 442nd Regimental Combat Team in World War II. The [Mabuchi] building is a testament to the Japanese American community that helped make El Cerrito what it is today. Mr. Yamashita expressed gratitude toward the City Council and Eden Housing for issuing a supplemental report that will help preserve the legacy of the building. Mr. Yamashita urged the City Council to preserve the Mabuchi building as a senior center and stated that he was anxious to see how the building will incorporate the Japanese flower industry both culturally and agriculturally.

Tom Panas, El Cerrito, stated that the new city website is a vast improvement and also commended Eden Housing and the City for commissioning the additional historic resources report on the former Contra Costa Florist building. Mr. Panas stated that the report makes an unassailable case for designating the building as an historic resource that appears eligible for listing on the California Register of Historic Resources and queried how to incorporate this historic resource into the Senior Housing development.

Barbara Hill, El Cerrito, thanked everyone involved in the discovery and designation of an historical resource in El Cerrito. The Mabuchi building is not only a relic of the Japanese-American flower growing industry but also testifies to the kind of community El Cerrito was, and is. The monument tells you what is good about diversity, neighborly care and good will. The challenge to developers is how to incorporate this important historical artifact into the overall design in such a way that it enhances all parts of the project.

Kimi Honda, El Cerrito, stated that she has lived in El Cerrito for fifty years, and clarified that

she is not speaking as Woman of the Year, a member of the Committee on Aging or Sakura Kai, but as a member of the local Japanese-American Community. Ms. Honda reported that six months ago the United States Solicitor General formerly acknowledged and apologized for the actions that resulted in the illegal incarceration of more than 120,000 Japanese during World War II. The Mabuchi building is an important reminder of Japanese American heritage and properly relates the history of Japanese history in El Cerrito.

Al Miller, El Cerrito, acknowledged the continuing efforts of the Environmental Quality Committee in promoting activities and awareness of environmental needs in the City. Mr. Miller reported on his attendance at an American Civil Liberties Union (ACLU) panel discussion of Police Chiefs from the cities of Berkeley, El Cerrito and Richmond and two ACLU lawyers on October 16. The panel highlighted mutual concerns and explored ways on how they can work together. All of the Police Chiefs talked about Community Policing in one form or another and how important it is to build community trust. Mr. Miller said local law enforcement is assisting federal agencies in enforcing federal law in immigration and drug enforcement and this destroys community trust in local community policing efforts. It is up to local officials to ensure that it sets clear policy for the Police Chief regarding the desired level of cooperation with federal agencies in enforcing federal laws. Mr. Miller asked that the City Council set clear policy and ensure itself and the community that the policy does not destroy the community's trust in the City's police force and their community policing programs.

Josh Whitmer, El Cerrito, expressed concerns about traffic on Colusa Avenue between Terrace and Fairmont. There is a lack of speeding mitigation measures and speeding impediments in this area. This causes traffic to travel too fast. The traffic situation is dangerous and unsafe and has already caused personal property damage.

George McRae, El Cerrito, applauded the new website and commended the City Council and City Staff for bringing the PACE car program to El Cerrito. Mr. McRae described damage and personal injury resulting from speeding vehicles on his street. He also commended the Mayor for her comments on the Occupy Movement and encouraged his fellow residents to move their financial assets into a financial institution like a credit union. Mr. McRae said he is surprised that there are no credit unions in El Cerrito and encouraged the City Council and city to attract these types of institutions to the city and discourage problem institutions.

Jill Shiraki, El Cerrito, spoke of the significance of the local Japanese Floral industry and the Mabuchi building. Ms. Shiraki described a statewide effort she and Donna Graves are working on to identify historic resources, restoration of the Miraflores greenhouses in Richmond and urged the City Council to consider the importance of the Mabuchi building and incorporate it into the [Proposed Eden Senior Housing] plan.

4. PRESENTATION – None.

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

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

A. Minutes for Approval

Approve the October 17, 2011 Special City Council and Regular City Council meeting minutes.

Action: Approved minutes.

B. Hazard Mitigation Plan

Adopt a resolution accepting all of Volume 1 and the City of El Cerrito's local annex portion of Volume II (Chapter Four) and Appendices A–F of Volume II within the Contra Costa County Hazard Mitigation Plan.

Action: Adopted Resolution No. 2011–82.

C. 2012 Integrated Resource Recovery Facility (IRRF) Rate Options

Approve a recommendation advising Mayor Pro Tem Jones to vote on the City Council's endorsement of "Option 3" for determining Integrated Resource Recovery Facility (IRRF) "All But Collection" rates for Calendar Year 2012.

Action: Approved recommendation.

D. California River Parkway Grant Application

Adopt a resolution approving the filing of a California River Parkway Grant application for the Fluvius Innominatus Channel Restoration Project.

Action: Adopted Resolution No. 2011–83.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Animals Ordinance

Introduce by title, waive any further reading and approve an ordinance amending Title 7 ("Animals") of the El Cerrito Municipal Code by amending Chapter 7.04 ("County Regulations"), adding a new Chapter 7.06 ("Definitions") and repealing and re-enacting Chapters 7.08 ("Keeping Animals") and Chapter 7.12 ("Dogs").

Presenter: Sean Moss, Senior Planner.

Speakers: Carl Mason, El Cerrito, spoke in support of the proposed ordinance and noted that requiring unanimous neighbor consent is an innovative process that may be followed by other jurisdictions. Mr. Mason encouraged the City Council to change the proposed ordinance by allowing neighbors to decide on the number chickens by removing the limit allowed with neighbor consent to promote community building and sustainability.

Ron Eggherman, El Cerrito, stated that personally and on behalf of the Environmental Quality Committee he is thrilled that the City Council has the courage to consider the proposed ordinance. Mr. Eggherman noted that [urban sustainability and animals] are a growing movement and he is happy to see El Cerrito join it. Mr. Eggherman also suggested lowering the 4,000 square foot lot threshold to 3,000 square feet.

Robin Mitchell, El Cerrito, stated that having people go through a standard permitting process for chickens is heavy handed. Dogs and Cats are of equal nuisance to neighbors and do not require a permit. Ms. Mitchell suggested finding an alternative to notarization of neighbor consent.

Action: Moved, seconded (Lyman/Benassini) and carried unanimously to waive first reading beyond the ordinance title and approve Ordinance No. 2011–05 as revised to modify language proposed in Section 7.08.02(M)(2) ("Goats – Temporary Weed Abatement") and 7.12.010 ("Dogs must be leashed") and as amended by Councilmember Lyman to delete the title "Use Permit Required" in Section 7.08.020(I)(1) and strike language contained within Section 7.08.020(J)(1) ("Honeybees – Number of Hives") regarding requirements for a conditional use permit. *Second reading scheduled for November 21, 2011.*

B. Continued Discussion of City Charter

Consider possible next steps and provide direction on the potential development of a City Charter which could include any of the following options: 1) Deferring the item; 2) Expediting the process; or 3) Including a charter review as part of a larger strategic planning process.

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

Speaker: Tom Panas, El Cerrito, stated that Option 2 (Expedited Process) appeared to rushed and spoke in favor of Option 3 (Broader Scope).

Action: Presentation heard and discussion held. Of the three options presented, the City Council provided direction to staff to take the approach of developing a broader scope (Option 3) including development of a strategic plan.

Moved, seconded (Abelson/Lyman) and carried unanimously to extend the meeting to 10:40 p.m.

Moved, seconded (Jones/Benassini) and carried unanimously to extend the meeting to 10:50 p.m.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

At the request of Mayor Cheng, City Council assignments and liaison reports were held over to the meeting of November 21, 2011.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 7(A) Animals Ordinance

1. Revised Ordinance – Revision to Section 7.08.020(M)(2) (“Goats – Temporary Weed Abatement”) and Section 7.12.010 (“Dogs must be leashed”)– *Submitted by Sean Moss, Senior Planner.*
2. Comments on Animal Ordinance – *Submitted by Susan Zeni.*
3. Comments in support of the Animal Ordinance – *Submitted by the Quales.*

Item No. 7(B) Continued Discussion of a City Charter

4. Powerpoint presentation – *Submitted by City Manager Hanin.*

Other:

Proposed Eden Senior Housing Project

5. City conduct and proposed Tradeway Project – *Submitted by David Mandel.*
6. Incorporation of historic resource into the proposed Eden Senior Housing Project – *Submitted by Tom Panas.*
7. Incorporation of historic resource into the proposed Eden Senior Housing Project – *Submitted by Barbara Hill.*
8. Incorporation of historic resource into the proposed Eden Senior Housing Project – *Submitted by Jill Shiraki and Wilbur Obata.*

9. ADJOURNED CITY COUNCIL MEETING at 10:15 p.m.

ORDINANCE NO. 2011-05

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 7 ("ANIMALS") OF THE EL CERRITO MUNICIPAL CODE BY AMENDING CHAPTER 7.04 ("COUNTY REGULATIONS"), ADDING A NEW CHAPTER 7.06 ("DEFINITIONS") AND REPEALING AND RE-ENACTING CHAPTERS 7.08 ("KEEPING OF ANIMALS") AND CHAPTER 7.12 ("DOGS")

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

DIVISION I.

Title 7 ("Animals") of the El Cerrito Municipal Code is hereby amended with the following additions and deletions to read as follows (additions in underline, deletions in ~~strikethrough~~):

**TITLE 7
ANIMALS**

Chapter 7.04 County Regulations

Chapter 7.06 Definitions

Chapter 7.08 Keeping of Animals

Chapter 7.12 Dogs

Chapter 7.04 County Regulations

Section 7.04.010 Adoption by reference of county's animal control code. ~~The board of supervisors of the county, County Board of Supervisors, an agency of the state within the meaning of Government Code Section 50022.1, has adopted County Ordinances Nos. 80-97 and 83-10 being a codification of provisions for animal control services (and constituting Division 416 of the County Ordinance Code), and it is a code within the meaning of Government Code Section 50022.2; and e-Certified copies of it~~ Division 416 of the County Code are and have been on file with the eCity eClerk where they are open to public inspections, all as required by Government Code Section 50022.3. ~~This~~ The County animal control code and any amendments thereto are referred to and adopted by this reference as part of ~~the~~ this city ordinance, as provided for in Government Code Section 50022.2 to the extent not inconsistent with the provisions of this ~~chapter~~ Title.

Section 7.04.015 Penalties.

~~A. Notwithstanding Section 1.08.030 of the El Cerrito Municipal Code, and pursuant to Food and Agricultural Code Section 31401, violations of Division 416 of the County Code, incorporated by reference by El Cerrito Municipal Code Section 7.04.010, excepting Chapter 416-10 and Article 416-12.2, are punishable by a fine of not more than fifty dollars for the first offense, and not more than one hundred dollars for the second or subsequent offense.~~

~~B. Notwithstanding subsection (A) above, violation of section 416-4.404, Abandonment, excluding abandonments under Section 416-8.014, is a misdemeanor and punishable as such.~~

Section 7.04.015 Penalties. Penalties for violations of this title shall be imposed pursuant to Title 1 of the El Cerrito Municipal Code.

Section 7.04.020 Request enforcement in city. The county ordinance referred to and adopted contains the provisions of those sections of the California Food and Agricultural Code referred to in Section 30501, and therefore the city ordinance constitutes the city's request that the provisions of the county ordinance be applicable within the city, and they shall hereafter so apply, pursuant to Food and Agricultural Code Section 30501.

Chapter 7.06 Definitions

Section 7.06.010 Definitions. The following words and phrases, when used in this title, are defined as follows:

- A. "Amphibian" shall mean member of the class *Amphibia*, including, but not limited to, frogs, toads and salamanders.
- B. "Animal" shall mean a member of the kingdom *Animalia*.
- C. "Arthropod" shall mean member of the phylum *Arthropoda*.
- D. "Beehive" shall mean a box, receptacle or container, typically a Langstroth hive, designed to house one Honeybee colony for the purpose of beekeeping.
- E. "Bird" shall mean a member of the class *Aves*.
- F. "Cat" shall mean a member of the species *Felis catus*.
- G. "Chicken" shall mean a member of the subspecies *Gallus gallus domesticus*.
- H. "Coop" shall mean a roofed structure where chickens typically roost.
- I. "Domestic" shall mean animals bred to be accustomed to human provision and control that are typically kept as pets.
- J. "Dog" shall mean a member of the subspecies *Canis lupus familiaris*.
- K. "Fish" shall mean an aquatic vertebrate that is covered with scales, as well as other commonly kept aquatic animals, including, but not limited to, shrimp, snails, and live coral.
- L. "Fowl" shall mean a member of the superorder *Galloanserae*, including, but not limited to, ducks, geese, and turkeys.
- M. "Goat" shall mean a member of the subspecies *Capra aegagrus hircus*.
- N. "Goat Weed Abatement Permit" shall mean an over-the-counter, administrative check to ensure that Goats are kept in compliance with Section 7.08.020 (M)(2).
- O. "Hen" shall mean a female Chicken.
- P. "Honeybee" shall mean a member of the genus *Apis*.
- Q. "Honeybee Keeping Clearance" shall mean an over-the-counter, administrative check to ensure that Honeybees are kept in compliance with this title.
- R. "Insect" shall mean a member of the class *Insecta*.

- S. "Livestock" shall mean an animal typically domesticated for the purpose of food, fiber or labor production, including, but not limited to, horses, cattle, sheep, mules, llamas, alpacas, ostriches, emus, and peacocks.
- T. "Pen" shall mean an enclosure used to confine animals to a specific area
- U. "Pig" shall mean a member of the subspecies *Sus scrofa domesticus*.
- V. "Rabbit" shall mean a member of the family *Leporidae*.
- W. "Reptile" shall mean a member of the class *Reptilia*, including, but not limited to, lizards, snakes, and turtles.
- X. "Residential Chicken Clearance" shall mean an over-the-counter, administrative check to ensure that Chickens are kept in compliance with this title.
- Y. "Rodent" shall mean a member of the order *Rodentia*, including, but not limited to, mice, hamsters, and guinea pigs.
- Z. "Rooster" shall mean a male Chicken.
- AA. "Wild Animals" shall mean those animals as defined in the Contra Costa County Code.

Chapter 7.08 Keeping of Animals

~~Section 7.08.010 – Permitted animals. The following animals are permitted within the city subject to the provisions of this chapter: cats; dogs; fowls and birds weighing less than one half pound; any other animal weighing less than three pounds except as otherwise provided herein.~~

~~Section 7.08.020 – Animals requiring use permits. No person shall keep any animal weighing more than three pounds, except a cat or dog, any fowl or bird weighing more than one half pound, any venomous or poisonous reptile, or any bees within the city without first having obtained a use permit from the city planning commission pursuant to Chapter 19.40 of this code.~~

~~Section 7.08.030 – Separation from neighbors. No fowl, bird, rabbit, hare or rodent shall be kept outside of a home or within twenty feet of a property line.~~

~~Section 7.08.040 – Animal noise. No fowl, bird or animal of any sort, kept within the city shall be allowed to disturb neighbors with its noise between sunset and one half hour after sunrise.~~

~~Section 7.08.050 – Staking animals. No person shall keep an animal weighing more than fifty pounds on any premises not surrounded by a fence sufficient to contain such animal, unless the same shall be so securely staked, tied or fastened as to prevent it breaking away and running at large.~~

~~Section 7.08.060 – Animals – Sale. It is unlawful for any person, firm, or corporation to display, sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings or other fowl, turtles or lizards, as pets or novelties, whether or not dyed, colored, or otherwise artificially treated. This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by dealers, hatcheries, or stores engaged in the business of selling the same to be raised for food purposes.~~

~~Section 7.08.070 – Animal hospitals. No person shall establish, conduct or maintain any stable, hospital or other place for the treatment of diseased or injured animals within the~~

city without first applying for and receiving a use permit from the planning commission so to do.

~~Section 7.08.080— Conditions for keeping certain animals. Whenever in this chapter a use permit from the planning commission is required, such permit shall be in writing and shall state therein the conditions upon which it is granted. It shall state the name and address of the responsible owner or applicant. Any permit shall be revocable at any time should the permittee fail to comply with all of its said conditions. A copy of the permit shall be presented to the county animal control director or to the city manager upon request.~~

~~7.08.090— Violations— Penalties. Any animal, fowl, bird, or reptile in violation of this ordinance and any applicable use permit must be removed from the city, permanently, by its owner. Any violation of the conditions of this chapter is a nuisance per se.~~

Section 7.08.010 General Provisions. The following provisions shall apply to the keeping of any Animal in the City of Cerrito:

- A. Public Health and Safety. It shall be unlawful and shall constitute a nuisance to keep any Animal that poses a threat to public health or public safety.
- B. Animal Noise. In addition to those provisions in Section 416-12.202 of the Contra Costa County Ordinance (as amended), no Animal shall be permitted to disturb neighbors with its noise between sunset and one-half hour after sunrise.
- C. Sanitation. It shall be unlawful and shall constitute a nuisance for any person to keep animals and all premises, enclosures or structures wherein animals are kept in an unsanitary manner. Such Animals and premises shall be kept free of obnoxious odors. All debris, refuse, manure, urine, food waste, or other Animal byproduct shall be removed from all premises, enclosures or structures wherein Animals are kept every day or more often as necessary.
- D. Nuisances. All Animals and premises, enclosures or structures wherein animals are kept shall conform to the standards and procedures established in Chapter 8.34: Nuisances.
- E. Animal-related Businesses. No business resulting from the keeping of animals, including, but not limited to, breeding animals, boarding animals, and sale of animal derived products shall be permitted as a home occupation without approval of a conditional use permit.

Section 7.08.020 Animals Permitted by Right and with Use Permits. The following Domestic Animals are permitted subject to the provisions of this Title:

- A. Dogs.
- B. Cats.
- C. Rodents.
- D. Rabbits.
- E. Fish.
- F. Reptiles and Amphibians.
- G. Chickens.

Agenda Item No. 5(B)

1. Prohibitions on Roosters. Only Hens are permitted pursuant to this Chapter. Roosters are prohibited.
 2. Limitation on Number. A maximum of four Chickens are permitted on properties of at least 4,000 square feet that contain single-family residential dwelling units, as long as the property owner holds a valid Residential Chicken Clearance.
 3. Enclosure Requirement. Chickens shall be kept in a Pen which is sufficient to contain Chickens.
 4. Location of Coops. Chicken Coops shall not be located closer than 20 feet to dwelling units on adjacent properties. Coops of 120 square feet and smaller shall not be subject to Section 19.06.030(T).
 5. Exceptions.
 - a. Unanimous Consent of Adjacent Property Owners. Exceptions to Subsection 2, above, allowing up to six Chickens on properties of at least 4,000 square feet that contain single-family residential dwelling units or allowing up to four Chickens on properties less than 4,000 square feet containing single family dwelling units and exceptions to Subsection 4, above, shall be permitted with written consent of the owner of every property which directly abuts the property on which chickens would be kept.
 - b. Conditional Use Permit. Any exceptions to Subsections 2 and 4, above, which have not secured unanimous consent of all adjacent property owners, shall be permitted with a conditional use permit.
- H. Other Fowl. Fowl, other than Chickens, shall not be permitted without a conditional use permit.
- I. Other Birds. Birds that are kept from flying at-large and kept indoors shall be permitted. Birds that are permitted to fly at-large or birds that are kept outdoors shall not be permitted without a conditional use permit.
- J. Honeybees.
1. Number of Hives. A maximum of one Beehive shall be permitted by right on properties of at least 5,000 square feet that contain a single-family dwelling unit, as long as the property owner holds a Honeybee Keeping Clearance.
 2. Location of Beehives. Beehives shall be located behind the principal structure on the property. Beehives shall not be located closer than 20 feet to dwellings on adjacent properties or 5 feet from a property line. Beehives shall not be subject to Section 19.06.030(T).
 3. Notice. Upon determining that a Honeybee Keeping Clearance application is complete, the Zoning Administrator shall mail notice to the owners of all properties which directly abut the property for which a Honeybee Keeping Clearance application has been submitted. The notice shall contain the date on which the Honeybee Keeping Clearance will take effect. The Honeybee Keeping Clearance shall become effective no fewer than 14 days after the date of the notice.

4. Exceptions.

- a. Unanimous Consent of Adjacent Property Owners. Exceptions to Subsections 1 and 2, above, allowing up to three Beehives on properties of at least 5,000 square feet that contain single-family residential dwelling units or allowing up to one Beehive on properties less than 5,000 square feet containing single family dwelling units shall be permitted with written consent of the owner of every property which directly abuts the property on which Honeybees would be kept.
- b. Conditional Use Permit. Any exceptions to Subsections 1 and 2, above, which have not secured unanimous consent of all adjacent property owners, shall be permitted with a conditional use permit.

K. Insects. Insects, other than Honeybees, and other commonly kept Arthropods, including but not limited to, ants, spiders, millipedes, and hermit crabs.

L. Pigs.

1. Limitation on Size. Pigs over 150 pounds shall not be permitted without a conditional use permit.
2. Maximum Number. A maximum of two Pigs shall be permitted on properties of at least 5,000 square feet that contain single-family residential dwelling units, subject to approval of an administrative use permit. The following situations will require a conditional use permit: more than two Pigs on lots containing single family residences; any number of Pigs on properties containing multi-family dwelling units; or any number of Pigs on properties smaller than 5,000 square feet.
3. Enclosure Requirement. All Pigs shall be kept in a Pen sufficient to hold Pigs.
4. Enclosure Setbacks. Enclosures for Pigs shall not be located closer than 20 feet to dwellings on adjacent properties or 5 feet from a property line.

M. Goats.

1. Use Permit Required. Goats shall be permitted on properties at least 10,000 square feet in size, subject to approval of an administrative use permit. Goats shall be permitted on properties less than 10,000 square feet in size subject to approval of a conditional use permit.
2. Temporary Weed Abatement. Goats shall be allowed on lots of at least 7,500 square feet for the purpose of weed abatement for a period not to exceed 60 days as long as the property owner holds a valid Goat Weed Abatement Permit. No more than one weed abatement period shall be permitted every 12 months. Goats shall be confined to the area undergoing weed abatement.

- N. Other Livestock.
 - 1. Use Permit Required. Livestock, other than Goats, Pigs and Chickens, shall not be permitted without approval of a conditional use permit.
- O. Wild Animals. Wild or exotic animals shall be defined and regulated as provided in the Contra Costa County Code. Wild animals shall not be permitted without approval of a conditional use permit.

Section 7.08.030 Prohibited Animals. It shall be unlawful to keep any animal in the City of El Cerrito unless the animal is permitted by right or has a valid use permit pursuant to Section 7.08.020, or satisfies an exemption pursuant to Section 7.08.020.

Section 7.08.040 Exceptions.

- A. Temporary Uses. The Zoning Administrator or the Planning Commission may permit exceptions to the standards of this Title on a temporary basis subject to Chapter 19.35 (Temporary Uses).
- B. Museums and Scientific Institutions. Any museum, educational institution or scientific institution with a valid permit from the state or federal government for ownership, harboring or maintenance of Animals is exempt from the provisions of this title.
- C. Law Enforcement. Animals used by law enforcement agencies shall not be subject to the provisions of this title.

Chapter 7.12 Dogs

~~Section 7.12.010 — Vicious dog. When the county animal control director finds or is informed that any dog in the city is vicious or otherwise a public menace, he shall cause an investigation to be made to determine same. The animal services department of Contra Costa County is authorized to undertake any activity in conformity with the county animal control ordinance, which ordinance has been adopted by reference by the city pursuant to Chapter 7.04.~~

~~Section 7.12.020 — Dangerous behavior. It is unlawful for any person having possession of any dog to permit the same to attack, chase, destroy, or offend any person or property, or to disturb the public peace and welfare of this city. Examples of dangerous and unlawful acts as above defined include, but are not limited to, the following:~~

- ~~A. A dog biting or attacking another dog, or a person, or other animal;~~
- ~~B. A dog jumping on, knocking down, scratching, chasing or otherwise molesting people;~~
- ~~C. A dog chasing a bicycle, an automobile, or any other conveyance;~~
- ~~D. A dog with a distemper, or a dog having a fit.~~

~~Section 7.12.030 — Disturbance of public peace and welfare.~~

- ~~A. It is unlawful and shall constitute a nuisance per se for any person having possession of any dog to permit the same to disturb the public peace and welfare by barking, teasing other pets or animals, jumping fences, spilling garbage cans, excreting on property other than that of its owner, giving birth on the street, lying on the sidewalk so as to block it, burying objects of any sort on property other than that of its owner, or running loose on school property.~~

~~B. It is unlawful and shall constitute a nuisance per se for any person having possession of any dog to allow it outside without having a fence capable of containing same, except when the dog is on a leash.~~

~~C. It is unlawful and shall constitute a nuisance per se for any person having possession of any dog to allow it to take a newspaper or any other item or belonging from property other than that of its owner.~~

~~Section 7.12.040 — Impoundment. Any dog reported committing an unlawful act as defined in Section 7.12.020 may be impounded by the county animal services department and dealt with in accordance with Division 414 of the Contra Costa County Code. The owner of such dog must pay the impounding and boarding fees in order to redeem such dog.~~

~~Section 7.12.050 — Violations. Any dog found to have committed dangerous acts, as described in Section 7.12.020, on two or more occasions shall be deemed a menace and regulated as described under Section 7.12.010. In addition to enforcement by the county animal services director, violations of this chapter shall be a misdemeanor except that violation of Section 7.12.030 shall be an infraction punishable by a fine of fifty dollars and a nuisance per se.~~

Section 7.12.010 Dogs must be leashed. A person owning, possessing, or controlling a dog shall ensure that such animal be under effective restraint by a leash, as provided in Section 416-4.402 of the Contra Costa County Code.

Section 7.12.020 Nuisance. It shall be unlawful and a nuisance for the owner or person having custody of a dog to permit the dog to excrete on a property other than that of its owner without disposing of the waste.

Section 7.12.030 Impoundment. All dogs found to be in violation of this code, the provisions of Division 14 of the Agricultural Code or any provisions of Division 416 of the Contra Costa County Ordinance may be impounded by the El Cerrito Police Department or the County Animal Services Department and dealt with in accordance with Division 416-8 of the Contra Costa County Code, including all noticing provisions in Section 416-8.006. The owner of such dog must pay the impounding and boarding fees in order to redeem such dog.

Section 7.12.040 Potentially Dangerous or Dangerous Dogs. When any dog in the city may be a “potentially dangerous animal” or “dangerous animal” pursuant to Section 416-12.402 and 416-12.404 of the Contra Costa County Ordinance, the County Animal Services Director shall cause an investigation to be made to determine same. The Animal Services Department of Contra Costa County is authorized to undertake any activity in conformity with the county animal control ordinance, which ordinance has been adopted by reference by the city pursuant to Chapter 7.02.

Section 7.12.050 Violations. In addition to enforcement by the County Animal Services Director, violations of this chapter shall be a nuisance per se and/or a misdemeanor and/or an infraction punishable by fines as set forth in Title 1 of the El Cerrito Municipal Code.

DIVISION II. CEQA.

The ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it will have no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment.

DIVISION III. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

DIVISION IV. EFFECTIVE DATE.

This ordinance shall take effect on April 1, 2012 and shall within fifteen (15) days after passage, be posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Councilmembers voting for and against it.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of El Cerrito, held on November 7, 2011 and approved by the following vote:

AYES: Councilmembers Abelson, Benassini, Jones, Lyman and Mayor Cheng.
NOES: None
ABSENT: None
ABSTAIN: None

Adopted and ordered published at a meeting of the City Council for the City of El Cerrito held on the 21st day of November, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Ann Cheng, Mayor

ATTEST:

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is true and correct original Ordinance No. 2011-05 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 November, 2011; and that said Ordinance has been published and/posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _____ day of _____, 2011

Cheryl Morse, City Clerk



AGENDA BILL

Agenda Item No. 5(C)

Date: November 21, 2011
To: El Cerrito City Council
From: Yvetteh Ortiz, Engineering Manager
Jerry Bradshaw, Public Works Director/City Engineer
Subject: Accept Public Right of Way Easement adjacent to El Cerrito Plaza
BART Station on Central Avenue, west of the Ohlone Greenway

ACTION REQUESTED

Adopt a resolution accepting a Grant Deed (Exhibit A to the Resolution) from the San Francisco Bay Area Rapid Transit District (BART) for a Public Right of Way Easement adjacent to the El Cerrito Plaza BART Station on Central Avenue, west of the Ohlone Greenway, and authorizing the City Manager to execute the Grant Deed pending approval by BART.

BACKGROUND

1965 Agreement

In June 1965, the City Council adopted Resolution No. 2889 authorizing the execution of an agreement (1965 Agreement) to allow BART to widen and improve several City streets as part of the construction of the El Cerrito Plaza and Del Norte BART Stations. The 1965 Agreement specified that, upon completion of the street improvements, the City would accept the improvements, BART would transfer any necessary grant deeds for public right-of-way covering the widened streets, and the City would become responsible for maintenance. Although the improvements were completed, there is no formal documentation that the City accepted them and BART did not provide a grant deed for the public right-of-way. As such, the City has not been legally obligated to maintain those widened areas, which generally include the sidewalks and street trees around the BART stations.

On-going Maintenance

Maintenance efforts for the sidewalks and street trees around the El Cerrito Plaza Station have been steadily increasing over the years. The tree roots located within the sidewalk areas have buckled the sidewalk, curb, gutter and street surface in many areas. Several arborists have indicated that many of the trees are at, or near, the end of their safe and healthy lives. This is evidenced by an increase in limb falls causing damage to cars and potentially pedestrians.

The sidewalks and street trees along Richmond Street, Willow Street and Central Avenue are on BART property and are currently the responsibility of BART to maintain. Over a number of years, BART has performed many temporary fixes including the repair of sections of buckled concrete sidewalks with asphalt, concrete and removal of dead and hazardous trees. City crews have also gotten involved with miscellaneous maintenance activities including emergency removal of broken and fallen tree limbs and temporary sealing of sidewalk cracks.

Planned Improvements

The City and BART have previously discussed long-term and comprehensive improvements to provide safe and accessible pedestrian paths around the two BART stations in El Cerrito. Most recently, the City and BART collaborated to identify funding for the Plaza BART Station area for this purpose. The City and BART were able to secure funding grants for various pedestrian, bicycle, accessibility, wayfinding, landscaping and lighting improvements. Sidewalk and tree replacement are components of both City and BART projects, as described below.

Improvements on Richmond Street, Willow Street and Central Avenue, between Richmond Street and the Ohlone Greenway, as well as within the BART parking lots, will be part of BART's Sidewalk and Wayfinding Improvements Project. The scope of the BART Project also includes accessibility improvements throughout the station area. The BART Project is funded by the Federal Transit Administration Urbanized Area Formula Funding Program.

Improvements on Liberty Street and the remaining section of Central Avenue will be part of the City's Central Avenue and Liberty Street Streetscape Improvements Project, which covers four blocks of Central Avenue from San Pablo Avenue to the Ohlone Greenway and one block of Liberty Street from Central Avenue to Fairmount Avenue. This project is intended to improve walking and biking routes to transit, support high-density infill development, and enhance the sense of place and quality of life in the El Cerrito Plaza BART Station Area. The scope of the project also includes pedestrian-level lighting, curb bulb-outs, curb ramps, high-visibility crosswalk signing and striping, bike route signing and striping, a speed table for traffic calming on Liberty Street, and street furniture. Funding is from two separate Transportation for Livable Communities (TLC) Programs including a federal grant and a Measure J, countywide half-cent sales tax grant.

ANALYSIS

The 1965 Agreement intended to transfer widened street rights of way to the City on several streets surrounding both BART stations. City staff has informed BART that the improvements (curbs, gutters, sidewalks, street trees and pavement areas) must be in good condition before the City can accept these rights of way. In response, BART has been working on replacing the improvements to meet this requirement.

Agenda Item No. 5(C)

For one area, time is of the essence. The Public Right of Way Easement adjacent to the Plaza BART Station on Central Avenue, west of the Ohlone Greenway, is needed to complete the sidewalk, tree, and curb bulb-out improvements planned under the City's Central Avenue and Liberty Street Streetscape Improvements Project. The TLC grant funding for the project requires that the City have appropriate easements for construction and maintenance of the improvements. City staff must request right-of-way clearance from Caltrans, the agency that administers the federal grant, in December 2011 so that we can meet an upcoming grant deadline.

The intent of the 1965 Agreement was for the City to accept responsibility for the widened Central Avenue and the agreement is still valid. By accepting the Grant Deed, the City agrees to accept responsibility for maintenance of the sidewalks and street trees in this area. The Central Avenue and Liberty Street Streetscape Improvements Project will provide a safe, accessible and attractive pedestrian route in this area and at the same time will reduce the current maintenance efforts of both BART and the City. While agreeing to take on the maintenance responsibility for the sidewalk and trees will slightly increase the City's maintenance costs a few years down the line, the benefit of controlling the safety, accessibility and appearance of the public right-of-way is considered to outweigh the increased costs.

Separate agreements and grant deeds are planned for the remaining areas covered by the 1965 Agreement at both the Del Norte Station and the Plaza Station. Once all the remedial work is completed by BART, these will be presented for consideration of the City Council.

FINANCIAL CONSIDERATIONS

Sidewalks typically require no routine maintenance and therefore no increased costs for maintenance are anticipated after they are replaced by the Central Avenue and Liberty Street Streetscape Improvements Project. Approximately eight street trees on Central Avenue between the Ohlone Greenway and Liberty Street will become the responsibility of the City. Maintenance costs for the first two years will be funded by the project. After that the maintenance cost per tree is estimated to be approximately \$30 per year. In all, the annual maintenance costs for accepting the Grant Deed is estimated to be \$240 per year. The Public Works Department anticipates being able to incorporate this cost in its annual maintenance budget starting in Fiscal Year 2015/16.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and commented on the draft agreement. The final agreement will be substantially in the form attached and is pending approval by BART on November 17, 2011.

Reviewed by:

A handwritten signature in black ink, appearing to read 'SH', is written over a horizontal line.

Scott Hanin, City Manager

Attachment:

1. Accompanying Resolution
2. Grant Deed – Exhibit A to the Resolution

RESOLUTION 2011-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL ACCEPTING A PUBLIC RIGHT OF WAY
EASEMENT ADJACENT TO THE EL CERRITO PLAZA BART STATION ON CENTRAL
AVENUE, WEST OF THE OHLONE GREENWAY, PENDING APPROVAL BY BART

WHEREAS, maintenance efforts by both the City and BART for the sidewalks and street trees around the El Cerrito Plaza BART Station have been steadily increasing over the years; and

WHEREAS, the City and BART were able to secure funding grants from Transportation for Livable Communities (TLC) for various pedestrian, bicycle, accessibility, wayfinding, landscaping and lighting improvements, including sidewalk and tree replacement, around the El Cerrito Plaza BART Station; and

WHEREAS, in June 1965, the City Council adopted Resolution No. 2889 authorizing the execution of an agreement (1965 Agreement) allowing BART to complete street improvements related to the construction of the El Cerrito Plaza BART Station and calling for the City to accept the improvements and become responsible for maintenance of the improvements after BART completed the improvements and transferred any necessary grant deeds for public right-of-way to the City; and

WHEREAS, the TLC grants secured by the City require that the City have appropriate easements for construction and maintenance of the improvements planned under the Central Avenue and Liberty Street Streetscape Improvements Project; and

WHEREAS, the 1965 Agreement is still valid and the City of El Cerrito considers the benefit of controlling the safety, accessibility and appearance of the public right-of-way to outweigh the burden of maintaining it.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito accepts a Grant Deed, attached hereto to as Exhibit A, from BART for a Public Right of Way Easement adjacent to the El Cerrito Plaza BART Station on Central Avenue west of the Ohlone Greenway, and authorizes the City Manager to execute the Grant Deed pending approval by BART.

BE IT FURTHER RESOLVED, that the Grant Deed and this Resolution shall be recorded with the County Recorder of Contra Costa County.

I CERTIFY that at a regular meeting on November 21, 2011 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

* * * * *

Agenda Item No. 5(C)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November XX, 2011.

Cheryl Morse, City Clerk

APPROVED:

Ann Cheng, Mayor

DRAFT

Agenda Item No. 5(C)
Attachment 2
Resolution No. 2011-XX, Exh. A

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
Attention: City Engineer

< _____ VERTICAL LINE NEEDS TO BE
5" FROM RIGHT SIDE OF PAPER

EXEMPT FROM RECORDING FEES
PER
GOV'T CODE § 27383 AND FROM
DOCUMENTARY TRANSFER TAX PER
REV. AND TAXATION CODE § 11922

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

PORTIONS OF APN: 504-121-017;
504-122-010 AND 504-130-031

EL CERRITO STREETS II
Westerly Central Avenue

GRANT DEED FOR PUBLIC RIGHT OF WAY EASEMENT

This Grant Deed for Public Right of Way Easement ("Agreement") is entered into on this ____ day of _____, 2011 ("Effective Date") by and between the San Francisco Bay Area Rapid Transit District, a rapid transit district ("BART" or "Grantor") and owner in fee of that real property described herein, and the City of El Cerrito, a California municipal corporation ("City" or "Grantee")(collectively, the "Parties").

RECITALS

1. Grantor is the owner of the El Cerrito Plaza BART Station, including the underlying real property fee interest located at 6699 Fairmont Avenue, El Cerrito, California 94530, (the "Property").

2. The El Cerrito Plaza BART Station is wholly within the City of El Cerrito, and is accessed by automobiles, transit vehicles, bicycles, and pedestrians.

3. Pursuant to an Agreement between the Parties dated December 6, 1965 ("1965 Agreement") the Parties agreed to the widening, modification, relocation and abandonment of City's streets, the relocation or reconstruction of City-owned utility and sewer facilities, the use of certain City streets for BART purposes, certain landscaping along the referenced streets, and the maintenance thereof and other relevant matters ("1965 Improvements").

4. Pursuant to the 1965 Agreement, the City would accept the 1965 Improvements, Grantor would transfer any necessary deeds or additional or new right of way that may be required, and the City would become responsible for maintenance of the 1965 Improvements.

DRAFT

GRANT AGREEMENT

1. Grant of Right of Way Easement. For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants and conveys to Grantee the following right of way easement over the Property, subject to the conditions set forth in this Agreement (the "Right of Way Easement"): those certain parcels shown as either "Easement for Street Widening" or "Right of Way for Street Widening" on the "Record Maps of Right of Way Bay Area Rapid Transit District" sheets RRW33 and RRW33A, filed for record on October 24, 1975, in Book 1 of BART Maps, at Pages 22 and 23, in the Office of the Recorder of Contra Costa County, and designated as Parcels R33-10, R33-11 and R33A-2, said parcels being portions of other fee areas with the original acquisition documentation as shown on said sheets. Reductions of said sheets are attached for representation only and all references are to the original maps as filed.

RESERVING unto Grantor, its successors and assigns, an easement for rapid transit purposes and appurtenances thereto over, under, along, across and through the aforesaid Parcel R33-11 as shown on the maps referred to hereinbefore and also being subject to special assessments, if any, restrictions, reservations, easements and other matters of record

2. Purposes of Right of Way Easement. Grantee may use the Right of Way Easement to maintain, inspect, and repair the 1965 Improvements and other new improvements; and to maintain, inspect, repair and improve the Right of Way Easement for other street purposes and appurtenances thereto, over, under, along, across and through all the Right of Way Easement, including but not limited to the installation, removal and modification of the street pavement, sidewalk, curb, gutter, pedestrian ramps, landscaping, street trees, lighting, stormwater treatment facilities, storm drain facilities, irrigation, curb markings, traffic control devices, parking signs, waste and recycling receptacles, benches, wayfinding signs, bus shelters, newspaper racks, security cameras, bicycling racks and parking, and other utilities.

3. Use of Right of Way Easement. Grantee must use reasonable care in using its Right of Way Easement and may not unreasonably increase the burden on the Property.

SIGNATURES ON FOLLOWING PAGE

DRAFT

IN WITNESS WHEREOF, the Grantor and Grantee have executed this Grant Deed for Public Right of Way Easement as of the Effective Date first written above.

GRANTOR,
San Francisco Bay Area Rapid Transit District

GRANTEE,
City of El Cerrito

By: _____
Its: President of the Board

By: Scott Hanin
Its: City Manager

ATTEST:

ATTEST:

By: _____
Its: District Secretary

By: Cheryl Morse
Its: City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: Patricia McCoy Smith
Its: Attorney

By: Sky Woodruff
Its: City Attorney

DRAFT

BART ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF ALAMEDA)

On _____, before me, _____, a Notary Public, personally appeared _____ and _____ who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons 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.

Signature _____ (Seal)

CITY ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF CONTRA COSTA)

On _____, 2011, before me, _____, (here insert name and title of the officer), 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.

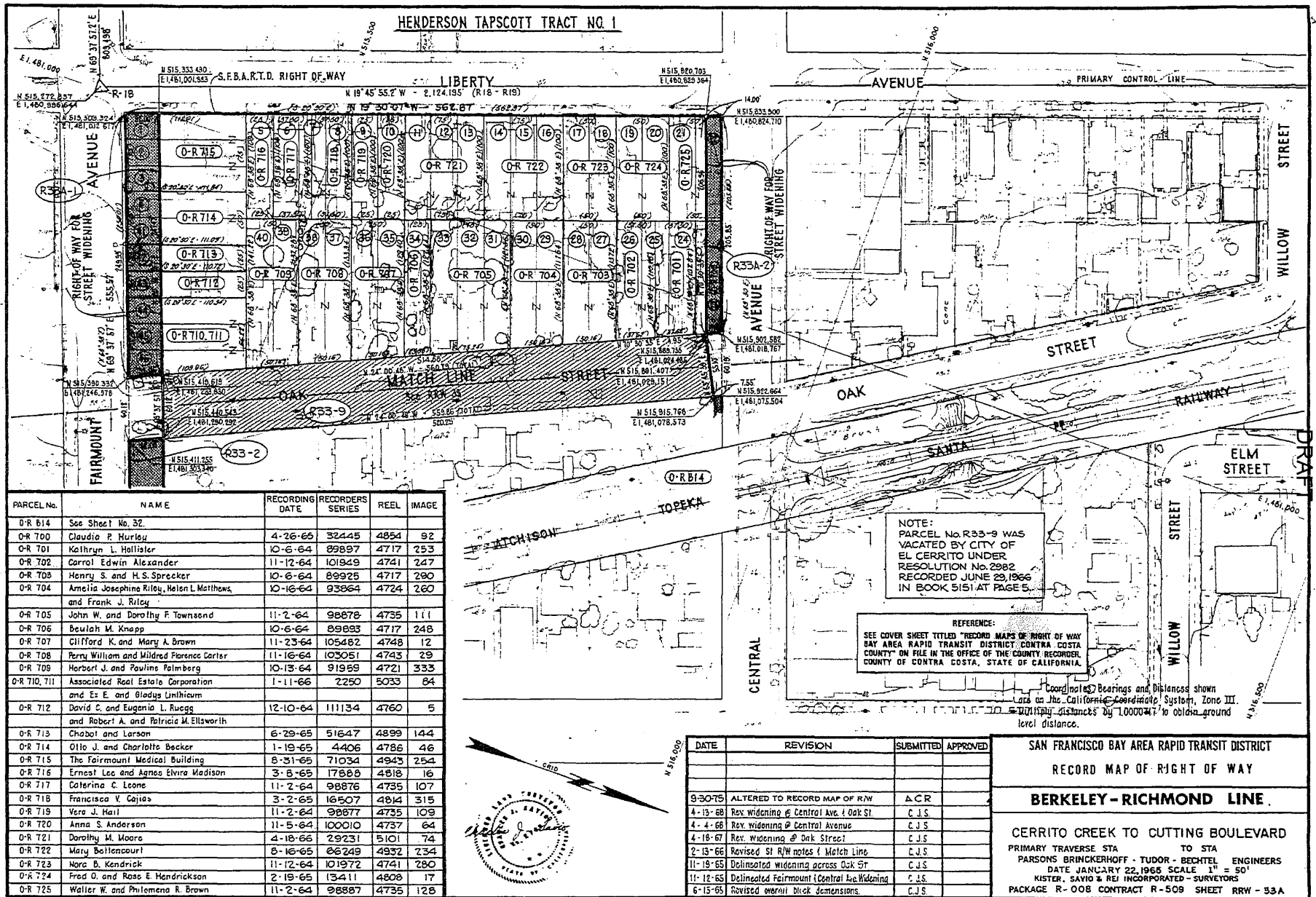
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

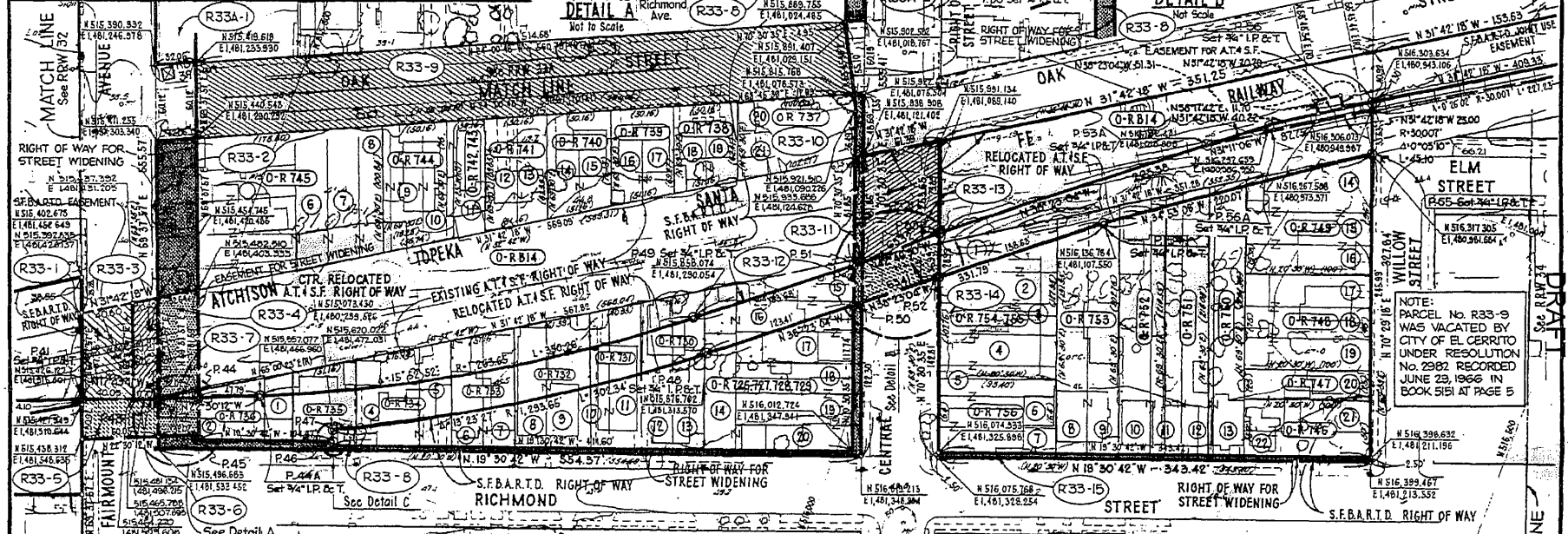
Signature _____ (Seal)

DRAFT

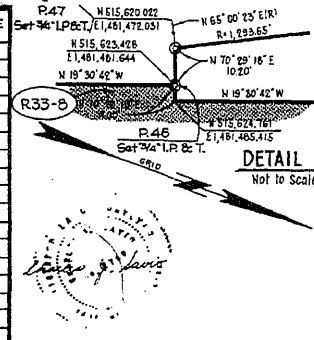
ATTACH BART RECORD MAPS OF RIGHT OF WAY



PARCEL No	NAME	RECORDING DATE	RECORDERS SERIES	REEL	IMAGE
O-R 725,727	Mary Rodini and Concettina S. Marsala	4-23-65	32005	4853	132
O-R 730	Vito and Louise Addiego	4-20-65	30685	4850	178
O-R 731	David E. and Blanche M. Lyon	1-27-65	6925	4792	308
O-R 732	Josko F. and Elmer M. Ketchum	1-18-65	4207	4785	286
O-R 733	Mary Fioranino	10-6-64	89900	4717	259
O-R 734	Vito and Louise Addiego	4-20-65	30685	4850	178
O-R 735	Sebastian and Boanna I. Puccelli	10-2-64	88925	4715	224
O-R 736	Margaret M. Wilms	3-10-65	18868	4820	374
O-R 737	Joseph J. and Gina D. Gross	10-6-64	89899	4717	257
O-R 738	Arthur R. and Wanda L. Ojeda	4-5-65	26156	4838	129
O-R 739	Veikko and Helen E. Jemback	10-6-64	89898	4717	255
O-R 740	Stanley M. and Renee S. Judd	2-15-65	11608	4804	136



PARCEL No	NAME	RECORDING DATE	RECORDERS SERIES	REEL	IMAGE
O-R 741	Dorsey Francis Abell	12-10-64	111133	4760	3
O-R 742,743	Edwin J. and Leone N. Martin	3-24-65	22844	4830	119
O-R 744	Joseph A. and Mary V. Moninger	11-10-64	101342	4740	48
O-R 745	El Gerillo Ready Mix, a partnership	4-6-67	19701	5341	250
O-R 746	Marion M. Kellar	11-10-64	101351	4740	70
O-R 747	Vito and Louise Addiego	4-20-65	30686	4850	180
O-R 748	Edwin and Grace Marken	10-5-64	89381	4716	143
O-R 749	Karlton E. Korr and Guy W. Korr, Jr.	8-25-65	69264	4939	430
O-R 750	K. W. and Esther E. Freiland; Leo D. and Mary Van Sislins	1-14-65	3241	4783	35
O-R 751	Paul and Elizabeth Blarevich	10-2-64	88924	4715	222
O-R 752	Malvin H. and Margaret E. Haynes	1-19-65	4407	4786	48
O-R 753	Claude L. and Grace M. Weeks	4-16-65	29906	4848	116
O-R 754,755	George R. and Florence A. Joy	10-2-64	88914	4715	202
O-R 756	Adelle M. Smith	11-2-64	90857	4735	79
O-R 514	See Sheet No. 32				



DATE	REVISION	SUBMITTED	APPROVED
9-30-75	ALTERED TO RECORD MAP OF R/W	ACR	
2-22-71	Add Easement for A.T. & S.F.	L.H.	
5-3-68	Rev S.F.B.A.R.T.D. R/W Parcel O-R54	S.V.P.	
4-13-68	Rev widening @ Central Ave. & Oak St.	C.J.S.	
4-4-68	Rev widening @ Central Avenue	C.J.S.	
4-18-67	Rev widening @ Oak St. & Richmond St	C.J.S.	
3-31-67	Added widening R/W in Detail C.	C.J.S.	
1-11-67	Rev Relocated A.T. & S.F. R/W	C.J.S.	
2-13-66	Revised Match Lines & S.I. R/W notes	C.J.S.	
1-19-66	Revised R/W across Fairmount Ave.	C.J.S.	
11-17-65	Revised Relocated A.T. & S.F. R/W and De.	C.J.S.	
	Unrelocated Fairmount & Central widening	C.J.S.	
6-15-55	Revised Joint Use Assment B.A.R.T.D. - AT & S.F.	C.J.S.	
4-9-65	Changed Vestee of O-R 725, 727, 728 and 729	C.J.S.	
2-4-65	Lines designating street crossings corrected	C.J.S.	

HENDERSON TAPSCOTT TRACT NO. 1

Coordinates, Bearings and Distances shown are on the California Coordinate System, Zone III. Multiply distances by 1.0000717 to obtain ground level distances.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

RECORD MAP OF RIGHT OF WAY

BERKELEY-RICHMOND LINE

CERRITO CREEK TO CUTTING BOULEVARD

PRIMARY TRAVERSE STA TO STA
PARSONS BRINCKERHOFF - TUDOR - BECHTEL ENGINEERS
DATE JANUARY 22, 1965 SCALE 1" = 50'
KISTER, SAVIO & REI INCORPORATED - SURVEYORS
PACKAGE R-008 CONTRACT R-509 SHEET RRW 33

DRAFT

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant Deed for Public Right of Way, dated the ____ of _____, 2011, from the San Francisco Bay Area Rapid Transit District or BART, a rapid transit district ("Grantor") to the City of El Cerrito, a municipal corporation ("Grantee"), is hereby accepted on behalf of the City by its City Manager pursuant to authority conferred by Resolution No. _____, adopted by the City Council of the City of El Cerrito on the ____ of _____, 2011, and that the City consents to recordation of the Grant Deed for Public Right of Way by its duly authorized officer.

Dated _____, 2011

CITY OF EL CERRITO,
a California municipal corporation

By: Scott Hanin
Its: City Manager

ATTEST:

By: Cheryl Morse
Its: City Clerk

APPROVED AS TO FORM:

By: Sky Woodruff
Its: City Attorney



AGENDA BILL

Agenda Item No. 5(D)

Date: November 21, 2011
To: El Cerrito City Council
From: Mary Dodge, Administrative Services Director/City Treasurer
Subject: September 30, 2011 Quarterly Investment Report

ACTION REQUESTED

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

QUARTERLY INVESTMENT REPORT REVIEW

The Quarterly Investment Report shows that the city's investments had a par value of \$6,638,448.76 as of September 30, 2011, a decrease of \$91,878.49 from last quarter. This is due to the use of funds for debt service payments and operations offset by the receipt of \$3,510,000 from the issuance of Tax Anticipation Notes (TAN'S) on September 21, 2011 as well as the inclusion for the first time of \$2,382,681 of Integrated Waste Management (IWM) funds to be used for the Recycling and Environmental Resource Center.

The IWM funds are the remainder of the \$3,500,000 Lease/Purchase Financing completed in November 2010. The funds are held with Deutsche Bank as the trustee and the omission from the report was not discovered until this quarter. This entry will be included in subsequent reports until the funds are fully utilized.

The TAN's were necessary due to the annual trend of cash receipts being low every fall as the City continues operations and makes significant July 1 debt service payments while waiting for the 55% of property tax to be received in December.

Since the Redevelopment Agency (RDA) debt service payments are due on July 1st, every year in the June 30 statement the Redevelopment Agency money market accounts show an increase in investment assets, but in reality it is just a pass through to the debt service payments. This is reflected in the small amounts shown in the RDA money market accounts for this report in comparison to the prior quarter amounts of \$1,477,921. As a reminder, the RDA bonds do not have a reserve account like the other bonds because they issued surety bonds to satisfy that requirement instead of maintaining a reserve balance like the other issuances.

Without any bond proceeds to invest, the City continues to have minimal investments that are not required for debt service reserves, and to have limited, if any, interest earnings on those restricted funds. Debt reserve funds are required to be in very secure portfolios and U.S. Treasury funds are the most secure. LAIF continues to provide the most liquid investment asset available and

will continue to be used to invest the operational portion of the city's cash in order to maintain cash flow.

Of the total amount invested, \$2,010,575 (30.29%) is invested in Pooled Funds/LAIF and \$4,627,874 (69.71%) is held in Money Market funds. Overall, interest rates continue to be extremely low and currently LAIF is at .38%, which is .10% lower than the last quarter, and to my knowledge, an all time low.

FINANCIAL CONSIDERATIONS

The purpose of the City's Investment Policy is to provide guidelines for the prudent investment of the City's idle funds, and to outline the policies for maximizing the efficiency of the City's cash management system. The ultimate goal is to enhance the economic status of the City while protecting the funds at all times. The City's investments are in compliance with the "Authorized Investments" section of the Investment Policy.

Reviewed by:



Scott Hanin
City Manager

Attachment:

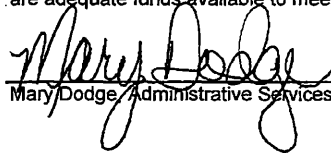
1. City of El Cerrito September 30, 2011 Quarterly Investment Report.

City of El Cerrito

Quarterly Investment Report For the Period Ending September 30, 2011

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/ BROKER	PAR VALUE	COST	INTEREST OR YIELD	MATURITY DATE	COST/ 100	*MARKET VALUE
Pooled Investments	Pooled Fund	LAIF	CA State Treasurer	\$2,010,575.19	\$2,010,575.19	0.38%	N/A	100.00	\$2,010,575.19
Storm Drain Fund	Money Market	US Bank US Treasuries	US Bank	\$534,175.00	\$534,175.00	0.00%	N/A	100.00	\$534,175.00
Swim Center Fund	Money Market	Federated Pm Money Market	Bank of NY	\$366,462.02	\$366,462.02	0.01%	N/A	100.00	\$366,462.02
City Hall Debt Fund	Money Market	Union Bank US Treasuries	Union Bank of CA	\$603,329.10	\$603,329.10	0.01%	N/A	100.00	\$603,329.10
Street Improvement Fund	Money Market	Union Bank US Treasuries	Union Bank of CA	\$741,222.95	\$741,222.95	0.01%	N/A	100.00	\$741,222.95
Integrated Waste Mgmt Fund	Money Market	Capital One Bank	Deutsche Bank	\$2,382,681.43	\$2,382,681.43	0.05%	N/A	100.00	\$2,382,681.43
Redevelopment Agency Fund	Money Market	Union Bank U.S Treasuries	Union Bank of CA	\$1.45	\$1.45	0.00%	N/A	100.00	\$1.45
	Money Market	Union Bank U.S Treasuries	Union Bank of CA	\$1.62	\$1.62	0.00%	N/A	100.00	\$1.62
TOTALS, as of September 30, 2011				\$6,638,448.76	\$6,638,448.76				\$6,638,448.76

I certify that this report is in compliance with the City of El Cerrito Investment Policy and California Government Code 53646 and that there are adequate funds available to meet the next six months of estimated expenditures.


Mary Dodge, Administrative Services Director/City Treasurer



AGENDA BILL

Agenda Item No. 7(A)

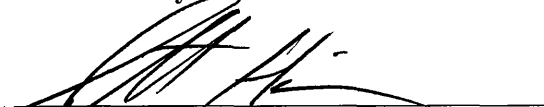
Date: November 21, 2011
To: El Cerrito City Council
From: Lori Treviño, Redevelopment Manager
Subject: Study Session on Transit-Oriented Development Feasibility Analysis and Parking Study for Specific Plan Update

BACKGROUND

In March 2011, there was a City Council staff presentation on the status of the San Pablo Avenue Specific Plan. At that time, the Council concurred with the staff recommendation that further analysis of parking demand and development feasibility be completed in order to revise the Plan. The City has previously initiated the Del Norte Transit-Oriented Development Strategy through a FOCUS Technical Assistance Grant from the Metropolitan Transportation Commission. The City was able to augment and fund the scope of work with the consultant team that MTC had assigned for the Strategy to include these analyses for the Specific Plan. The team includes AECOM, which analyzed development feasibility, and CHS Consulting, which studied parking demand and parking management best practices applicable to the San Pablo Avenue corridor.

The consultants will be presenting the results of their work and recommendations for the Specific Plan update. City staff will make recommendations for the approach to be taken in revising development standards in the Plan. The draft slides for the presentation are attached.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. PowerPoint Presentation



**November 21, 2011
El Cerrito City Council Meeting**

**Agenda Item No. 7(A)
Attachment 1 – PowerPoint Presentation**

- Part 1: [Transit-Oriented Development Feasibility and Parking](#)
- Part 2: [El Cerrito Parking Study](#)
- Part 3: [El Cerrito Development Feasibility Analysis](#)
- Part 4: [Staff Analysis and Recommendations](#)

Documents are also 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



AGENDA BILL

Agenda Item No. 7(B)

Date: November 21, 2011
To: El Cerrito City Council
From: Scott Hanin, City Manager (requested by Councilmember Benassini)
Cheryl Morse, City Clerk
Subject: Discussion of Council Meeting Day Change

ACTION REQUESTED

At the request of Councilmember Benassini, discuss changing the City Council meeting day from the first and third Monday of each month to the first and third Tuesday at 7:30 p.m. Provide direction to staff on whether to return to the City Council in December with an ordinance amendment.

BACKGROUND AND ANALYSIS

In recent years, former and current City Councilmember's have periodically voiced a desire to change the day the City Council meets from Monday to Tuesday. The City Council has been meeting on the first and third Monday since 1935 and at 7:30 p.m. since January 2000. The Municipal Code directs that meeting dates that coincide with legal holidays be automatically rescheduled to Tuesday. State law requires the City to set the day, time and place of the meeting and codify it in its municipal code or establish meeting dates by resolution. A review of the Code reveals that it is in need of updating to reflect the current time and meeting place of the City Council. Prior to bringing an ordinance before the City Council, the Council is being asked if it is interested in changing the day the City Council meets to Tuesday.

Attachment 1 provides a chart which shows meeting days and times of neighboring cities and cities throughout Contra Costa County for your reference. A review of existing commission meeting days and times does not appear to conflict with changing the meeting day for the City Council to Tuesday. The majority of meetings relating to regional bodies are scheduled on Thursday or Friday.

Since the Richmond City Council meets the first and third Tuesday of each month, changing the El Cerrito City Council's meeting date from Monday to Tuesday may impact some KCRT Cable TV Channel 28 viewers who are accustomed to watching live broadcasts of the Richmond City Council on Tuesday evenings. Both cities share the same Comcast channel for live broadcast of Council meetings. However, after checking with Comcast and KCRT-28 we expect that only those residents of Richmond who live on the border of El Cerrito will be affected. Broadcast of El Cerrito City Council meetings on the Tuesdays following legal holidays have not met with protest or complaint in the past. Rebroadcasts of both Richmond and El Cerrito City Council

Agenda Item No. 7(B)

meetings would continue without interruption. Additionally, Richmond, like El Cerrito, offers live and 24/7 archived webcasts of each City Council meeting on its respective website. Staff has also checked with Pinole-TV regarding a change in meeting day and Pinole-TV is agreeable to the change. Posting of the agenda would still be completed by Thursday afternoon and would thus promote additional transparency in government by providing an extra day for the public and the City Council to review staff reports and submit any questions or comments to the City Manager or city staff.

If the City Council desires to change the meeting day from Monday to Tuesday staff will return to Council on December 19, 2011 with first reading of an ordinance amending the municipal code, provide the necessary notifications and advertise the change widely on the City's website and through the media. Second reading of the ordinance would occur on January 17, 2012. The ordinance would then go into effect February 15, 2011. The City Council would then initiate Tuesday night meetings on February 21, a date that is already rescheduled to Tuesday by default due to the National Presidents Holiday.

FINANCIAL CONSIDERATIONS

There is no direct financial impact.

Attachments:

1. Survey of meeting days for surrounding cities
2. Proposed changes to El Cerrito Municipal Code
Sections 2.04.010 and 2.04.030.

Surrounding City Council Meeting Times

City	Meeting Time	Typical Ending Time	Meeting Day
Albany	7:30pm	9:30-10pm	1st & 3rd Monday
Antioch	7pm	8:30-10pm	2nd & 4th Tuesday
Berkeley	7pm	10:30-11:30pm	2-3 Tuesdays/Month
Brentwood	7pm	8-8:30pm	2nd & 4th Tuesday
Clayton	7pm	7:45-9pm	1st & 3rd Tuesday
Concord	6:30pm	9:20pm	1st, 2nd & 4th Tuesday
Danville	7:30pm	8:30-9pm	1st & 3rd Tuesday
Hercules	7pm	9:30-10pm	2nd & 4th Tuesday
Lafayette	7pm	10pm	2nd & 4th Monday
Martinez	7pm	9:30-10pm	1st & 3rd Wednesday
Moraga	7pm	9-10pm	2nd & 4th Wednesday
Oakley	6:30pm	9-10pm	2nd & 4th Tuesday
Orinda	7pm	8:30-9:20pm	1st & 3rd Tuesday
Pinole	6pm	10pm-12am	1st & 3rd Tuesday
Pittsburg	7pm	8-9pm	1st & 3rd Monday
Pleasant Hill	7:30pm	9-10pm	1st & 3rd Monday
Richmond	6:30pm	11pm-12am	1st & 3rd Tuesday
San Pablo	7pm	8:30-9pm	1st & 3rd Monday
San Ramon	7pm	9:30-10pm	2nd & 4th Tuesday
Walnut Creek	7pm	9:20-10pm	1st & 3rd Tuesday

Legislative Body Meetings

Meeting Type	Meeting Time	Meeting Day	Appointee:
(ABAG), General Assembly (Delegate)	Yearly in April	Thursday Afternoon	Cheng
Contra Costa Mayors' Conference	6:30pm	1st Thursday of each Month	Cheng
League of California Cities East Bay Division (Delegate –	Meets monthly in the evening. Also attends Annual League Conference in September)		Abelson
West County Mayors' & Supervisors' Association	8:00am	4th Thursday of each Month	Cheng
West Contra Costa Transportation Advisory Committee	8:00am	Last Friday of each Month	Abelson

West Contra Costa Unified School District Board of Education Meetings	6:30pm	1st & 3rd Wednesday per Month.	
West County Integrated Waste Management Authority (Delegate)	7:00pm	One Thurs. evening per Month	Jones
West County Unified School District Citizen's Bond Oversight Committee (CBOC) (Alternate)	6:00pm	Generally 4th Wed.	No Appointee

El Cerrito Board/Commission Liaison Assignments

Meeting Type	Meeting Time	Meeting Day	Liaison:
Arts & Culture Commission	7:00 PM	Meets 3rd Wed	Cheng
Crime Prevention Committee	7:00 PM	Meets 2nd Wed	Lyman
Committee on Aging	3:00 PM	Meets 3rd Wed	Abelson
Design Review Board	7:30 PM	Meets 1st Wed	Lyman
Economic Development Board	6:30 PM	Meets Quarterly 1	Benassini
Environmental Quality Committee	7:00 PM	Meets 2nd Tues	Abelson
Financial Advisory Board	7:00 PM	Meets 2nd Tues	Benassini
Human Relations Commission	7:00 PM	Meets 1st Wed	Cheng
Park and Recreation Commission	7:00 PM	Meets 4th Wed	Lyman
Planning Commission	7:30 PM	Meets 3rd Wed	Jones

ORDINANCE NO. 2011-XX

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING SECTIONS 2.04.010 ("MEETING – REGULAR") AND 2.04.030 ("MEETING – PLACE") OF THE EL CERRITO MUNICIPAL CODE TO CHANGE AND FIX THE DAY, TIME AND PLACE OF CITY COUNCIL MEETINGS

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

DIVISION I. SECTION 2.04.010 of the El Cerrito Municipal Code is hereby amended with the following additions and deletions to read as follows (additions in underline, deletions in ~~strikethrough~~):

Section 2.04.010 Meeting – Regular

The council shall hold regular meetings on the first and third ~~Mondays~~ Tuesdays of each month at ~~eight~~ 7:30 p.m. It may adjourn any regular or special meeting to a date certain, which shall be specified in the order of adjournment, and such an adjourned meeting may likewise be adjourned. Any adjourned regular meeting shall be a regular meeting for all purposes. In the event that any order adjourning a meeting fails to state the hour at which the adjourned meeting is to be held, such adjourned meeting will be held at ~~eight~~ 7:30 p.m.

Section 2.04.030 Meeting – Place

All regular meetings shall be held at the El Cerrito ~~Community Center, 7007 Moeser Lane~~ City Hall, 10890 San Pablo Avenue.

DIVISION II. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

DIVISION III. EFFECTIVE DATE.

This ordinance shall take effect thirty days after passage and be posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Councilmembers voting for and against it.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of El Cerrito, held on XX, 2012.

Adopted and ordered published at a meeting of the City Council for the City of El Cerrito held on the _____ day of _____, 2012 by the following vote:

APPROVED:

Mayor

ATTEST:

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is true and correct original Ordinance No. 2011-____ 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 XX, 2012; and that said Ordinance has been published and/posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this
____ day of _____, 2012.

Cheryl Morse, City Clerk