



AGENDA

CITY COUNCIL MEETING
Tuesday, January 21, 2014 – 7:00 p.m.
City Council Chambers

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

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

7:00 p.m. CONVENE CITY COUNCIL MEETING

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** – Councilmember Bridges.
- 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.*)

Metropolitan Transportation Commission 2012 Pavement Management Award
– Recognizing the City of El Cerrito for having the most improved roads, with the greatest increase in pavement condition index (PCI) over a three-year period.

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

A. Proclamation in Recognition and Memory of Angela Saridis

Approve a proclamation commending and recognizing the many contributions and positive impact on the community made by Angela Saridis to the El Cerrito Community and offering its condolences to Ms. Saridis' family on behalf of the grateful residents and patrons of the City of El Cerrito.

B. Doctors Medical Center Fiscal Update and Declaration of Fiscal Emergency – *Presentation requested by the Board of Directors, West Contra Costa Healthcare District.*

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A and 5B

A. Minutes for Approval

Approve the: 1) December 17, 2013 Regular City Council; and 2) January 27, 2014 Special City Council meeting minutes.

B. West Contra Costa Youth Services Bureau Proclamation

Approve a proclamation commending the West Contra Costa Youth Services Bureau (WCCYSB) for improving the wellness of the community and providing services to the children, youth and families of West Contra Costa County and joining in the celebration of May 15, 2014 as the official 30th Anniversary date of the West Contra Costa Youth Service Bureau.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Approve a Land and Water Conservation Fund Grant Application to Unite the Hillside Natural Area and Restrict the Use of Specified Hillside Natural Area to Public Recreation and Open Space Only

Adopt a resolution approving the City's application for a Land and Water Conservation Fund grant for the acquisition of the Madera Hillside Natural Area Property (APN 505-142-014, -012 and 013) to unite the Hillside Natural Area and approving the grant requirement to restrict the conversion of the Hillside Natural Area properties, specified by the City in the grant application, from Open Space/Parks and Recreation to Public Recreation and Open Space in perpetuity. *Exempt from CEQA.*

B. Annual Council Liaison Reorganization and Appointments

Discuss City Council appointments to regional bodies and liaison appointments to local boards, commissions and committees and approve appointments for 2014.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING in memory of Ron Egberman and Angela Saridis

The next City Council meeting is Tuesday, February 4, 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 of the Council.



METROPOLITAN
TRANSPORTATION
COMMISSION

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December 5, 2013

Adrienne J. Tissier, Chair
San Mateo County

Amy Rein Worth, Vice Chair
Cities of Contra Costa County

Tom Azumbrado
U.S. Department of Housing
and Urban Development

Tom Bates
Cities of Alameda County

David Campos
City and County of San Francisco

Dave Cortese
Santa Clara County

Bill Dodd
Napa County and Cities

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Mark Green
Association of Bay Area Governments

Scott Haggerty
Alameda County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Steve Kinsey
Marin County and Cities

Sam Licardo
Cities of Santa Clara County

Jake Mackenzie
Sonoma County and Cities

Kevin Mullin
Cities of San Mateo County

Bijan Sartipi
State Business, Transportation
and Housing Agency

James P. Spring
Solano County and Cities

Scott Wiener
San Francisco Mayor's Appointee

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Ms. Yvetteh Ortiz
Interim Public Works Director/City Engineer
City of El Cerrito
10890 San Pablo Ave
El Cerrito, CA 94530

RE: 2012 Pavement Management Award

Dear Ms. Ortiz:

We are pleased to announce that the city of El Cerrito has been awarded the 2012 Most Improved Roads award.

MTC's Regional Streets and Roads Program reports annually on the pavement conditions of the region's local streets and roads. We do this to build awareness among the general public and elected officials as to the state of repair of our region's streets and roads, as well as to recognize agencies that employ sound pavement management practices.

This award recognizes the City of El Cerrito for having the most improved roads, with the greatest increase in pavement condition index (PCI) over a three-year period. The 2012 results show that the City has a PCI of 84, which is an improvement of over 11 points from 2011. This is a direct result of the significant investment the City has made in street maintenance in recent years.

Congratulations on your award.

Sincerely,

Theresa Romell
Principal Program Manager

TR: ST

Attachment: Plaque

EL CERRITO CITY COUNCIL PROCLAMATION
In Recognition and Memory of Angela Saridis

WHEREAS, Angela Saridis, Water Aerobics Instructor, served the El Cerrito community and many others with love, compassion, and dedication and upon her passing, is deserving of recognition; and

WHEREAS, Angela was a native of Istanbul, Turkey (of Greek ancestry), immigrated to the United States in 1964, and became an American Citizen in the early 1970's; and

WHEREAS, Angela was a thirty-eight year resident of El Cerrito and is survived by her husband of forty-nine years Harry Saridis, daughters Joyce Saridis of Vacaville and Dina Saridis of El Cerrito, son Peter Saridis and his wife Lisa of El Cerrito, brother Apostol Yanidis and his wife Efterpi of El Cerrito, and her grandchildren Lucia and Andrew. All of Angela's children worked for the El Cerrito Recreation Department as Day Camp Counselors; and

WHEREAS, Angela was a member of the Greek Orthodox Cathedral of Ascension in Oakland, loved to travel with her family, and backpacked through Yosemite National Park for the first time less than four years ago; and

WHEREAS, Angela began taking water aerobics at the El Cerrito Swim Center in the mid 1990's and, before she learned how to swim, became a certified water aerobics instructor for the City in 1997, where, over the course of her career, has shared her passion for water aerobics and positive disposition with thousands of adults; and

WHEREAS, Angela has consistently been a part of the El Cerrito and greater community, providing outstanding water aerobics instruction, guidance to patrons new to the activity, and support to both members of the public and staff and, with her husband Harry, played an important role in the campaign to rebuild her beloved El Cerrito Swim Center; and

WHEREAS, Angela served the residents of El Cerrito and surrounding communities, and upon her passing, concluded over sixteen years of dedication to the water aerobics program and El Cerrito Swim Center; and

WHEREAS, Angela's family and the City of El Cerrito gratefully acknowledge the timely, professional, and skilled responses of El Cerrito Swim Center Lifeguards Stephen Dunkle and Maximille Gonzales, and members of the El Cerrito Fire Department, for their actions on December 23, 2013.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commend and recognize the many contributions and positive impact on the community made by Angela Saridis to the El Cerrito Community and offers its condolences to Angela's family on behalf of the grateful residents and patrons of the City of El Cerrito.

Dated: January 21, 2014

Janet Abelson, Mayor

EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL MEETING
Tuesday, December 17, 2013 – 7:00 p.m.
City Council Chambers

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

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson

7:00 p.m. CONVENE CITY COUNCIL MEETING

Mayor Abelson convened the City Council meeting at 7:03 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Mayor Abelson.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Lyman reminded all that the Chung Mei Heritage Day will be celebrated at City Hall on December 18, 2013. The event is sponsored by the El Cerrito Historical Society in recognition of the Chung Mei Home for Boy's listing on the National Register of Historic Places. On January 20, 2014, the City will be celebrating the 25th Anniversary of the Martin Luther King Jr. Parade and Celebration in the City of El Cerrito. The Human Relations Commission is hosting the event. The parade begins at the DMW parking lot at 9:30 a.m. and will conclude at the El Cerrito Performing Arts Center where there will be a program and rally.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Tom Panas, El Cerrito, expressed support for the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing (Agenda Item No. 5(D)). Mr. Panas stated that although he had initially opposed extension of the ENRA he now supports the project because it now honors the historic resource on the site. Mr. Panas thanked the staff, Eden Housing and its architects, the Planning Commission, the Design Review Board, and the Japanese American Citizens League for their thoughtful collaboration on the project.

4. PRESENTATIONS

A. Update on Crime Trends in El Cerrito – *Presentation by Sylvia Moir,*

Police Chief.

Presenter: Sylvia Moir, Police Chief and Samantha Wendling, Administrative Analyst.

Action: Received presentation.

B. Pacific Gas & Electric Company Update on Natural Gas Pipeline Testing in El Cerrito and the El Cerrito Substation Rebuild Project – *Presentation by Roxanne Cruz, Public Affairs, Pacific Gas & Electric Company.*

Presenters: Brian Daubin, Director, Gas Transmission and Distribution Department, Pacific Gas & Electric Co., Randy Franks, Project Manager of Substation G Rebuild, Pacific Gas & Electric Co., and Rory Dimick, Customer Outreach Specialist, Pacific Gas & Electric Co.

Action: Received presentation.

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

Moved, seconded (Lyman/Friedman) and carried unanimously to adopt Consent Calendar Item Nos. 5A and 5C through 5E in one motion as indicated below. Item No. 5B was removed from the Consent Calendar at the request of Councilmember Lyman and voted on separately as indicated below.

A. Minutes for Approval

Approve the December 3, 2013 Special City Council Closed Session and Regular City Council meeting minutes.

Action: Approved December 3, 2013 minutes.

B. Amendment of El Cerrito Municipal Code Chapter 11.64 - Bicycles

Adopt by title and waive any further reading of an ordinance amending specified sections within El Cerrito Municipal Code Chapter 11.64. Sections pertaining to the licensing and inspection of bicycles have been repealed. Rules of the Road have been updated. Sections requiring the wearing of helmets have been repealed as this is appropriately covered under State Law. *Exempt from CEQA. First reading November 19, 2013. Vote with amendments: Unanimous.*

Speaker: Gary Hill, El Cerrito, stated that the ordinance could be misinterpreted by a variety of riders. Mr. Hill specifically submitted suggested changes to El Cerrito Municipal Code Sections 11.64.020(C) and (D) and 11.64.040(E). Mr. Hill stated that he is a member of the Parks and Recreation Commission and a coach for the El Cerrito High School Mountain Bike Team and emphasized the importance of safety in bike riding, recognized the Police Department for all of its safety efforts, and asked that certain provisions of state law be incorporated into the ordinance by reference. Mr. Hill also advocated for a bike park and stated that he is pleased to talk with Chief Moir about his suggested changes.

Action: Removed from the consent calendar at the request of Councilmember Lyman. Moved, seconded (Friedman/Bridges) and carried unanimously to hold consideration of the ordinance over to a future meeting pending discussion between the police department and Mr. Hill regarding Mr. Hill's concerns, suggested changes and additional input from the community.

C. Pool Heaters Replacement

Adopt a resolution authorizing the City Manager to enter into an agreement with Knorr Systems in an amount not to exceed \$120,000 (with contingencies) to purchase and install one Lochinvar Aquas Model XPN1520 heater and one Lochinvar Aquas Model XPN801 heater to replace the existing heaters on each pool at the El Cerrito Swim Center.

Action: Adopted Resolution No. 2013-70.

D. Extension of Eden Exclusive Negotiating Rights Agreement

Adopt a resolution authorizing the City Manager to extend the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing, Inc. (Developer) for negotiation of a Disposition and Development Agreement (DDA) of an affordable housing project at 10848-10860 San Pablo Avenue to July 1, 2014. *Extension of the ENRA is not a project under CEQA; an Environmental Impact Report has been prepared for the Eden Housing project and will be considered by the Planning Commission on December 18, 2013.*

Action: Adopted Resolution No. 2013–71.

E. Extension of Current Terms of Members of the Planning Commission and Design Review Board

Adopt a resolution interpreting Section 2.04.220 of the El Cerrito Municipal Code to permit the extension of the terms of members of the Planning Commission and Design Review Board to maintain the full membership of those bodies during a gap period that will occur as a result of recent amendments to the Municipal Code. The resolution would also extend the terms of specific members of the Planning Commission and Design Review Board.

Action: Adopted Resolution No. 2013–72.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

Fiscal Year 2013–14 Budget Update

Receive a presentation that will provide the City Council and the public with: 1) An update on preliminary year-end actuals for Fiscal Year 2012–13 that ended on June 30, 2013; 2) An update on city revenues and expenditures for the first quarter of Fiscal Year 2013–14; and 3) An overview and discussion of next steps related to the city budget.

Presenter: Lisa Malek-Zadeh, Finance Director. Ms. Malek-Zadeh provided an update on the current status of the City's revenues and expenditures, the City's reserves, challenges ahead and the planning process for Fiscal Year 2014-15.

Action: Received presentation. Discussion held.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS – *Held over from the meeting of December 3, 2013.*

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

Councilmember Bridges reported that the Design Review Board (DRB) conducted a public hearing on December 4, 2013 to consider a three unit condominium project proposed for 938 Kearney Street. On December 11, the Park and Recreation Commission received a presentation from Yvetteh Ortiz, Public Works Director regarding reorganization of certain functions into a new Environmental Services and Operations Division, including the promotion of Garth Schultz as Manager of the Division. The Commission also discussed a letter in support of the City's application for the Environmental Solutions for Communities Grant Program and thanked outgoing commissioner Margo Takemiya for her eight years of service on the commission. On November 20, the Tom Bates/Gilman Sports Fields Joint Powers Authority (JPA) discussed a proposal to increase user fees 10-20 percent. A 10 percent user fee increase was approved by the JPA and will go to the Berkeley Parks and Recreation Commission for discussion prior to consideration by the Berkeley City Council. Forty to fifty coaches, children and users attended the JPA meeting to express opposition to a fee increase. The fee primarily covers replacement of the turf.

Mayor Pro Tem Benassini reported that the Planning Commission convened a San Pablo Avenue Specific Plan study session on December 4. No action was taken.

Mayor Abelson stated that the West Contra Costa Transportation Advisory Committee (WCCTAC) is finalizing its relationship with CalPers and is in the final stages of hiring a

permanent executive director.

Councilmember Lyman reported that the West County Integrated Waste Management Authority (WCIMA) is continuing to evaluate the future of the Joint Powers Authority (JPA). There is a tremendous push by some cities to refine the language for leaving the JPA. The JPA decided that it was premature to focus on withdrawal language until more is known about waste characterization and how future rates will be determined. At least one city is pushing to have the withdrawal language considered out of order. The issue is charged because there is potentially \$3 million dollars available upon dissolution that can be divided amongst the cities and the County. The structure that El Cerrito residents have been paying for the recycling material processing facility and taking materials out of the service area allows for El Cerrito to claim some of the funds. Part of the agreement that was entered into over twenty years ago that will end very soon, is for a structure that the city paid for. The City's share could be a little over \$100,000.

On November 21, the West Contra Costa Mayors and Supervisors Association (WCMA) received a presentation on Proposition 13 reform. The reform measure proposes changing how property is assessed for large commercial properties like Chevron and Disneyland. Presentations were made by representatives from both sides of the issue. Evolve.org advocated reform and the executive director of the Contra Costa Taxpayers Association discussed why Proposition 13 is important. A large number of speakers attended the meeting.

The Tree Committee is working on how to protect street trees, especially in commercial properties. The Committee is developing policies regarding how property owners can solicit tree pruning and how commercial properties along San Pablo Avenue should request street tree pruning. Councilmember Lyman also attended the East Bay Green Corridor meeting. Members include the cities of Hayward all the way north to San Pablo and UC Berkeley. The East Bay Green Corridor Group is looking at opportunities for regional implementation of a bike share program or car charging stations. Both BART stations in El Cerrito might be good locations for these programs. As alternate to the Association of Bay Area Governments (ABAG) Executive Committee, Councilmember Lyman reported that Julie Pearce was confirmed as president. The Committee received a presentation on the Grand Boulevard/El Camino Real project that runs through Santa Clara and San Mateo Counties. The planning document includes measures to rejuvenate the Grand Blvd. that would relate directly to San Pablo Avenue. The ABAG Executive Committee also discussed the cap and trade program. ABAG and the Metropolitan Transportation Commission may become the recipients of a large amount of money resulting from the sale of cap and trade carbon emissions. Much discussion occurred regarding potential revenues and how funds should be distributed. It is expected to be \$10 billion dollars. El Cerrito, for many reasons, could compete for the funds and become a potential recipient of some of the funds.

Councilmember Friedman reported on his attendance at the East Bay Development Alliance meeting. The Alliance received an interesting presentation from the Bayer Company in West Berkeley. Bayer has a groundbreaking academy that works in conjunction with public schools to train young people in the biotech industry.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:53 p.m.

SUPPLEMENTAL COMMUNICATIONS

Item No. 4(A) Update on Crime Trends in El Cerrito

1. Powerpoint presentation – *Submitted by Sylvia Moir, Police Chief.*

Item No. 4(B) Pacific Gas & Electric Company Update on Natural Gas Pipeline Testing in El Cerrito and the El Cerrito Substation Rebuild Project

2. Powerpoint presentation – *Submitted by Roxanne Cruz, Public Affairs, Pacific Gas and Electric Company.*

Amendment of El Cerrito Municipal Code Chapter 11.64 – Bicycles

3. Proposed revisions to ECMC Sections 11.64.020 and 11.64.040(E)

Item No. 5(D) Extension of Eden Exclusive Negotiating Rights Agreement

4. Comments in support of the project – *Submitted by Tom Panas.*

EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL MEETING
Tuesday, January 7, 2014 – 6:30 p.m.
Hillside Conference Room

This meeting will not be televised

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

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

Present: Councilmembers Bridges, Friedman, Lyman and Mayor Abelson

Absent: Councilmember Benassini

6:30 p.m. CONVENE CITY COUNCIL MEETING

Mayor Abelson convened the City Council meeting at 6:35 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC - No speakers.

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.

Action: The City Council scheduled a special meeting devoted to commission interviews on January 29, 2014 and unanimously appointed the following candidates as indicated below:

- 1) Deb Danziger reappointed to the Arts and Culture Commission to a term commencing on March 1, 2014 and concluding on March 1, 2018;
- 2) Maggie Leighly reappointed to the Design Review Board to a term commencing on March 1, 2014 and concluding on March 1, 2018;
- 3) Manish Doshi reappointed to the Parks and Recreation Commission to a term commencing on March 1, 2014 and concluding on March 1, 2018; and
- 4) Lisa Motoyama reappointed to the Planning Commission to a term commencing on March 1, 2014 and concluding on March 1, 2018.

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

EL CERRITO CITY COUNCIL PROCLAMATION
Commending West Contra Costa Youth Service Bureau on its 30th Anniversary

WHEREAS, in 1984, a group of concerned individuals representing a broad cross section of the West County community came together to express their outrage and concern about an intolerable level of violence that had suddenly infected their community, especially in young men. The group envisioned the creation of a family service delivery system that would improve the coordination of services to the children, youth and families primarily residing in Richmond, San Pablo, El Cerrito and other unincorporated areas of West County; and

WHEREAS, the West Contra Costa Youth Service Bureau (WCCYSB) was formally established in 1985 with the goal to address systemic causes of violence plaguing West County communities and has continued to provide 30 years of service to children and families in Contra Costa County. The WCCYSB collaborates with other Agencies to provide assessments, individual/group and family counseling; crisis intervention; case management/consultation; respite services for care givers; and referrals to other agencies/services; and

WHEREAS, the Assessment Team (that later evolved into the “Wraparound Process”) was created and served as a Model for the County; made up of staff from all of the participating agencies that were in the original collaborative. The Wraparound Best Practices Model uses a team approach that includes the client and their family members, and permits and supports a collection of individuals and others important in the child and family’s life to participate in the implementation of a common goal. Supported by the Bureau’s belief that its client population is “asset laden” as opposed to “deficit burdened”, that goal is the development of a plan that provides the means whereby the client can achieve a successful adjustment within their family, in school, and in the larger community; and

WHEREAS, today the Bureau provides a wide range of services concentrating in the following program areas: Early Periodic Screening & Diagnostic Testing Wraparound Services (Mentally Ill Offender Criminal Reduction Program/MIOCR), West County Community Collaborative (EPSDT); West Contra Costa Unified School District (EPSDT II); Family Enhancement Collaborative (Kinship); ALL THAT Collaborative; Building Blocks for Kids (BBK) Collaborative; The Children, Youth and Families in Transition Project (CYFIT); and Differential Response Path II (DR).

NOW THEREFORE, the City Council of the City of El Cerrito commends the WCCYSB for improving the wellness of the community and providing services to the children, youth and families of West Contra Costa County and joins in the celebration of May 15, 2014 as the official 30th Anniversary date of the West Contra Costa Youth Service Bureau.

Dated: January 21, 2014

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 7(A)

Date: January 21, 2014

To: El Cerrito City Council

From: Melanie Mintz, Community Development Interim Director

Subject: Approve a Land and Water Conservation Fund Grant Application to Unite the Hillside Natural Area and Restrict the Use of Specified Hillside Natural Area to Public Recreation and Open Space Only

ACTIONS REQUESTED

Adopt a resolution approving the City's application for a Land and Water Conservation Fund grant for the acquisition of the Madera Hillside Natural Area Property (APN 505-142-014, -012 and -013) to unite the Hillside Natural Area and approving the grant requirement to restrict the conversion of the Hillside Natural Area properties, specified by the City in the grant application, from Open Space/Parks and Recreation to Public Recreation and Open Space in perpetuity.

BACKGROUND

On July 16, 2013 the City Council adopted Resolution 2013-39 authorizing the City Manager to enter into a Purchase and Sale Agreement with the Trust for Public Land (TPL) to purchase approximately 8.08-acres of Hillside Natural Area property and to enter into a Professional Services Agreement for acquisition-related and fundraising assistance. (Note: The July 16 Agenda Bill and Resolution 2013-39 erroneously stated the combined acreage of the Madera Hillside Natural Area parcels at 7.6-acres.) TPL purchased the property from the private landowner on August 30, 2013, contingent upon these City Council actions. The Purchase and Sale Agreement specified that the City would purchase the property from TPL for \$475,000 by December 17, 2014. Funds for the purchase were to be raised from several sources, including public grants, the City's Measure WW Park Bond funds and private fundraising

Fundraising for the project is well underway. Since August, a coalition comprised of community members and organizations, such as the Trail Trekkers, Friends of Five Creeks and El Cerrito High School Mountain Bike Team affiliates have formed the El Cerrito Open Space Campaign and have raised, to date, approximately \$25,000. The Campaign is continuing to actively fundraise. The City, with the assistance of TPL, submitted a National Fish and Wildlife Foundation grant for \$80,000 on December 16, 2013 for both acquisition and a targeted community engagement and trail design process. The Environmental Quality Committee (EQC) and the Parks and Recreation Commission (PRC) both heard updates on the fundraising campaign and supported submittal of that grant as submitted. The City expects to learn whether that grant was

Agenda Item No. 7(A)

approved in April 2014. The item before Council tonight is whether to adopt a resolution approving submittal of an application for a Land and Water Conservation Fund (LWCF) grant. The grant application is due February 3. The authorizing resolution is required for submittal of the grant.

The LWCF program was established in 1963 to assist States in planning, acquisition and development of recreation lands. At the federal level, it is administered by the National Park Service who works with States to manage their own programs pursuant to federal law. In California the program is administered by the Office of Grants and Local Services (OGALS) within the California Department of Parks and Recreation.

As a condition of all LWCF grants, recreation land receiving federal funds is placed under federal protection to preserve the public's outdoor recreational use of the site in perpetuity. As such, the City would be required to restrict the use of both the 8-acre Madera Hillside Natural Area property, for which acquisition funds are being sought, and the other Hillside Natural Area parcels, to public outdoor recreational use. Any other uses of the properties would be prohibited as a result of the recordation of deed restrictions. LWCF requires the City to restrict the use of the other Hillside Natural Area parcels in addition to the Madera property, because the entire Hillside Natural Area provides the public value for which funds are being sought.

Under applicable federal law, including Section 6(f)(3) of the Land and Water Conservation Fund Act, the City would be allowed to convert a portion of the Hillside Natural Area properties to non-recreational use **only if** it restricted an equivalent amount of non-park land for recreation uses:

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

That prohibition means, for example that, as was recently in the news, the City would not be able to lease a portion of the Hillside Natural Area properties for a wireless telecommunications facility or a similar non-recreational use without going through the replacement process.

If approved by Council and the LWCF funds are awarded, the deed restrictions would be recorded on all city-owned Hillside Natural Area properties where there are currently no conflicting easements or restrictions when the LWCF funds are released, either at closing on December 17, 2014 or after closing as a reimbursement.

ANALYSIS

City and TPL staff are optimistic about this funding source, as acquisition of the Madera property for conservation and recreation purposes matches numerous California Outdoor Recreation Plan (CORP)/LWCF acquisition priorities, including:

- acquiring space that can be readily used for park and recreation purposes
- acquisition where children can connect with the outdoors and engage in active outdoor activities and unstructured play
- pursuit of urban acquisition opportunities close to where people live and work
- acquisition for open space and public access to water features such as streams and creeks
- acquisition for trails providing safe routes to parks from places where people live and for trail access and connectivity to recreation features in urban areas

Restricting the conversion of the Hillside Natural Area to uses other than public outdoor recreation is consistent with the following General Plan Goal and Policies:

Goal R1: *Protect natural resources (important habitat, ecological resources, key visual resources, ridges and ridgelines, creeks and streambanks, stepper slopes, vista points, and major features), and clean air and water.*

Goal PR2: *High quality open space protected for the benefit of present and future generations, reflecting a variety of important values: ecological, educational, aesthetic, economic and recreational. These values are interwoven throughout the community in numerous ways so that the preservation of open space is very important to the well being of the City.*

PR 2 Policies:

2.1: Open Space Purpose: Identify and protect the natural resources of the Tri-Cities area (El Cerrito, Richmond and San Pablo) for the benefit of present and future generations.

2.5: Open Space Use: Improvements within the open space areas shall be limited to those needed for educational and recreational purposes, and those improvements necessary for health and safety purposes. All improvements shall be compatible with protection and preservation of existing natural and habitat resources.

2.6: Existing Open Space Preservation: Except where extraordinary circumstances indicate otherwise, ensure that development decisions protect existing open space areas.

Acquisition of the Madera property also fulfills the City's Circulation Plan for Bicyclists and Pedestrians (adopted June 2007) which identified connecting Hillside Natural Area

Agenda Item No. 7(A)

North and South, rezoning properties that are potential links to existing park areas and open space and purchasing undeveloped properties bordering the Hillside Natural Area as a part of the Plan's Park Trail Connector project.

Staff has researched whether the previously acquired Hillside Natural Area properties have any existing deed restrictions, easements or protections, or authorized non-recreational uses that would conflict with the required 6(f)(3) protection. None have been identified to date. Staff is continuing to conduct research and any existing parties to such agreements or authorized non-recreational users will be notified prior to recordation of the required deed restrictions. If the uses or agreements are in conflict with the proposed restrictions, those specific parcels may be omitted from the 6(f)(3) boundary map that will be submitted with the grant application. The City Attorney will approve the required LWCF 6(f)(3) deed restrictions prior to recordation.

FINANCIAL CONSIDERATIONS

LWCF can pay up to 50% of the appraised fair market value of \$500,000. Through Resolution 2013-39, the City entered into a Purchase and Sale Agreement with Trust for Public Land to purchase the Madera Hillside Natural Area property for \$475,000. The City's LWCF matching funds will be comprised of a combination of the City's Measure WW (Regional Open Space, Wildlife, Shoreline and Parks Bond) funds, other successful grants and private fundraising. Adequate Measure WW funds have been set aside for this project.

LEGAL CONSIDERATIONS

Acquisition of land to preserve open space for recreation and park purposes is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15325(f).

Staff is continuing to research existing Hillside Natural Area parcels for any existing easements, leases or restrictions, or non-recreational uses that would be affected by the required 6(f)(3) deed restrictions. Any existing parties to such agreements or authorized non-recreational users will be notified prior to recordation of the required deed restrictions. The City Attorney will approve the required LWCF 6(f)(3) deed restrictions prior to recordation.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution

RESOLUTION 2014–XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL APPROVING THE APPLICATION FOR
LAND AND WATER CONSERVATION FUND UNITING THE HILLSIDE NATURAL AREAS
PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program; and

WHEREAS, the City of El Cerrito certifies by resolution the approval of the application and the availability of eligible matching funds prior to submission of the application to the State.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of El Cerrito does hereby:

1. Approve the filing of an application for Land and Water Conservation Fund assistance for the proposed Uniting the Hillside Natural Areas Project.

2. Agree to abide by section 6(f)(3) of Public Law 88-578 which states “No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.”

3. Certify that the City of El Cerrito has matching funds from eligible sources and can finance 100 percent of the Project, which up to half may be reimbursed; and

4. Appoint the City Manager, or his designee, as agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned project.

Agenda Item No. 7(A)
Attachment 1

5. Find that adoption of this Resolution and acquisition of land to preserve open space for recreation and park purposes is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15325(f).

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

I CERTIFY that at a regular meeting on January 21, 2014 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCILMEMBERS:

NOES: 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 ____, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

2014 COUNCIL LIAISON ASSIGNMENTS

LEGISLATIVE BODY	2013 Appointee	2014 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	Benassini
Association of Bay Area Governments (ABAG), General Assembly (Alternate)	Friedman ¹	Friedman
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	Friedman
League of CA Cities Policy Committees (<i>appointments made by League of CA Cities EB Division or League President – meets qtlly, 10:00 am to 3:00 pm, entire State</i>)	Abelson	Abelson
Contra Costa Mayors’ Conference (Delegate - <i>Meets 1st Thurs, 6:30 pm, var. cities</i>)	Lyman Mayor) ²	Abelson
Contra Costa County Mayors’ Conference (Alternate)	Abelson (MPT) ³	Benassini
West County Mayors’ & Supervisors’ Assn. (<i>Meets 4th Thurs, 8:00 am, var. cities</i>)	Lyman (Mayor)	Abelson
West County Mayors’ & Supervisors’ Association (Alternate)	Abelson (MPT)	Benassini
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	Benassini
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>)	Friedman	Lyman
Crime Prevention Committee (<i>Meets 2nd Wed, 7:00 pm</i>)	Lyman	Friedman
Committee on Aging (<i>Meets 3rd Wed, 3:00 pm</i>)	Abelson	Abelson
Design Review Board (<i>Meets 1st Wed, 7:30 pm</i>)	Bridges	Lyman
Economic Development Committee (<i>Meets 1st Thurs, 6:30 pm</i>)	Friedman	Benassini
Environmental Quality Committee (<i>Meets 2nd Tues, 7:00 pm</i>)	Abelson	Bridges
Financial Advisory Board (<i>Meets 2nd Tues, 7:00 pm</i>)	Benassini	Abelson
Human Relations Commission (<i>Meets 1st Wed, 7:00 pm</i>)	Lyman	Bridges
Park and Recreation Commission (<i>Meets 4th Wed, 7:00 pm</i>)	Bridges	Benassini
Planning Commission (<i>Meets 3rd Wed, 7:30 pm</i>)	Benassini	Friedman
Tree Committee (<i>Meets 2nd Mon, 7:00 pm</i>)	Lyman	Abelson
Municipal Service Corporation Chair (<i>Established by MSC bylaws</i>)	Lyman (Mayor)	Abelson
Municipal Service Corporation Vice-Chair (<i>Established by MSC bylaws</i>)	Abelson (MPT)	Benassini
Pension Board Chair (<i>Meets same as Council</i>)	Lyman Mayor)	Abelson
Pension Board (Alternate)	Abelson MPT)	Benassini
Successor Agency to the Former Redevelopment Agency Chair (<i>Per bylaws</i>)	Lyman (Mayor)	Abelson
Successor Agency to the Former Redevelopment Agency Vice-Chair (<i>Per bylaws</i>)	Abelson (MPT)	Benassini
Temporary Permits Committee (<i>Inactive</i>)	Lyman (Mayor)	Abelson
Underground Utilities Committee (<i>Inactive</i>)	Lyman (Mayor)	Abelson
Disaster Preparedness Council (Delegate) (<i>Inactive</i>)	Lyman (Mayor)	Abelson
Disaster Preparedness Council (Alternate) (<i>Inactive</i>)	Abelson (MPT)	Benassini
Commission/Committee Rules Subcommittee	Friedman/Lyman	Abelson/Bridges
Wall of Fame – Ad Hoc Committee – Assigned upon receipt of a nomination	<i>TBA</i> ⁴	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