



## AGENDA

**CITY COUNCIL MEETING**  
**Tuesday, August 19, 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.*)

### **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. PRESENTATION**

[El Cerrito Stars Internship Program](#) – Presentation by Suzanne Iarla, Public Outreach Specialist.

Summary of the joint City of El Cerrito and the West Contra Costa Unified School District (WCCUSD) high school internship program.

**5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5A through 5K**

**A. Minutes for Approval**

Approve the July 15, 2014 Special City Council and July 15, 2014 Special Concurrent City Council/Public Financing Authority/Employee Pension Board meeting minutes.

**B. Proclamation in Commemorating the 50<sup>th</sup> Anniversary of the Wilderness Act**

Approve a proclamation celebrating and commemorating the 50<sup>th</sup> Anniversary of the Wilderness Act in the City of El Cerrito and calling upon all residents to embrace our Nation's legacy of protecting and preserving the Country's vast wilderness areas for future generations to come.

**C. Consultant Services Agreement with Goldfarb & Lipman LLP for Legal Services**

Adopt a resolution authorizing the City Manager to execute a consultant services agreement with Goldfarb & Lipman LLP for Fiscal Year 2014-15 legal services related to the implementation of Assembly Bill 1x26 and the City's affordable housing programs in an amount not to exceed \$34,500.

**D. Appointment to the Successor Agency Oversight Board**

Staff requests the following actions: 1) The Mayor appoint Lisa Malek-Zadeh to the Oversight Board of the Successor Agency to represent employees of the former El Cerrito Redevelopment Agency; and 2) The City Council adopt a resolution ratifying the Mayor's appointment of Lisa Malek-Zadeh to the Oversight Board of the Successor Agency to the former El Cerrito Redevelopment Agency.

**E. Agreement with West Coast Arborists, Inc. for Tree Pruning and Removal**

Adopt a resolution authorizing the City Manager to execute an agreement with West Coast Arborists, Inc. in an amount not to exceed \$100,000 for tree pruning and removal services, effective July 1, 2014 through June 30, 2015. *Exempt from CEQA.*

**F. Agreement with Rubicon Enterprises, Inc. for Parks and Landscape Maintenance Services**

Adopt a resolution authorizing the City Manager to execute an agreement with Rubicon Enterprises, Inc. in an amount not to exceed \$180,000 for park and landscape maintenance services, effective July 1, 2014 through June 30, 2015. *Exempt from CEQA.*

**G. Agreement with Liberty Fleet Care, Inc. for Fleet Management and Maintenance Services**

Adopt a resolution authorizing the City Manager to execute an agreement with Liberty Fleet Care, Inc. in an amount not to exceed \$127,900 per fiscal year for fleet maintenance and parts, effective January 1, 2014 through June 30, 2016. *Exempt from CEQA.*

**H. Payment of El Cerrito's Share of the West Contra Costa Integrated Waste Management Authority Budgeted Operating Expenses**

Adopt a resolution authorizing payment of \$99,762 for the City of El Cerrito's share of the Contra Costa Integrated Waste Management Authority budgeted operating expenses for Fiscal Years 2013-14 and 2014-15.

**I. Contra Costa Civic Theatre Lease Agreement**

Adopt a resolution authorizing the City Manager to execute an amendment to the property lease agreement for the Contra Costa Civic Theatre extending the term of the agreement to May 5, 2035.

**J. Economic Development Committee Appointment**

Approve an Economic Development Committee recommendation to appoint Scott Kagawa to the Economic Development Committee, effective August 20, 2014.

**K. Cancel the November 4, 2014 Regular City Council Meeting**

Approve a recommendation to cancel the November 4, 2014 regular City Council meeting. November 4, 2014 is the date of the General Election. Holding the City Council meeting on November 4 may pose a conflict with the public's ability to participate in the meeting and also vote in the election as polls remain open until 8:00 p.m. The Contra Costa County Elections Department has also requested that City Hall be used as a polling place on this date.

**6. PUBLIC HEARING**

**Appeal of the Planning Commission's Approval of a Conditional Use Permit, and a General Plan Amendment, Development Agreement, the Creation of a Planned Development District including a Zoning Map Amendment for a Development Project that consists of the construction of 14 New Dwelling Units, the Relocation and Conversion of an Existing Dwelling Unit into a Community Center Type Use that will Remain on Site with 15 Parking Spaces, 1,548 square feet of Private Open Space, and 2,874 square feet of Common Open Space**

Staff recommends that the City Council hold a single, consolidated public hearing to consider the actions necessary to consider both the proposed development at 1715 Elm Street (the "Project") and the related appeal of the Planning Commission's approval of the Planned Development Use Permit for the Project. The analysis of the appeal was discussed in a separate staff report for the Project and distributed to the City Council for the June 2, 2014 Council meeting. Please refer to all previous staff reports, California Environmental Quality Act (CEQA) documentation and correspondence as part of the record for this project. These documents may be found on the City's website at [www.el-cerrito.org/1715Elm](http://www.el-cerrito.org/1715Elm) or by request at the public counter at El Cerrito City Hall.

Staff additionally recommends that, at the conclusion of the consolidated public hearing, the City Council act to approve *Option 2*, 14 new dwelling units, the relocation and conversion of an existing dwelling unit into a community center type use, and preservation and enhancement of the existing creek channel, as described in the staff report by taking the following actions:

1. Adopt a resolution approving the Initial Study/Mitigated Negative Declaration for the Project;
2. Introduce by title, waive any further reading and approve an ordinance approving Planned Development Zoning for the Project property and amend the Zoning Map accordingly;
3. Adopt a resolution denying an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project; and
4. Introduce by title, waive any further reading and approve an ordinance approving a Development Agreement.

## 7. POLICY MATTERS

### A. Smoking Pollution Protection Ordinance

Introduce by title, waive any further reading, and approve an ordinance amending the El Cerrito Municipal Code by adding Chapter 8.06, Smoking Pollution Protection Ordinance.

### B. Short Term Cash Flow Financing through Tax and Revenue Anticipation Notes

Adopt a resolution authorizing the City Manager to execute an agreement to sell tax and revenue anticipation notes (“TRAN”) in an amount not to exceed \$5,250,000 to a financial institution or underwriter and authorize staff to work with city consultants to prepare and execute appropriate legal documents related to said financing.

## 8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

## 9. ADJOURN CITY COUNCIL MEETING.

The next City Council meeting is Monday, September 22, 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](http://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](mailto: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.