

# EL CERRITO CITY COUNCIL

## MINUTES

### SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, October 2, 2012 – 6:00 p.m.  
Hillside Conference Room

### REGULAR CITY COUNCIL MEETING

Tuesday, October 2, 2012 – 7:00 p.m.  
City Council Chambers

#### Meeting Location

El Cerrito City Hall  
10890 San Pablo Avenue, El Cerrito

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman  
Councilmember Rebecca Benassini

Councilmember Ann Cheng  
Councilmember Janet Abelson

#### 6:00 p.m. ROLL CALL

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

#### CONVENE SPECIAL CITY COUNCIL CLOSED SESSION

Mayor Jones convened the Special City Council Closed Session at 6:05 p.m.

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

*Pursuant to Government Code Section 54956.9(b):* One potential case

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

RECESSED INTO CLOSED SESSION at 6:07 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:00 p.m.

#### ROLL CALL

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

#### 7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

Mayor Jones convened the Regular City Council meeting at 7:05 p.m.

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

## 2. COUNCIL / STAFF COMMUNICATIONS

Mayor Jones reported that the City Council had just met in closed session and asked City Attorney Woodruff to deliver a report of the Council's action.

Sky Woodruff, City Attorney, stated that the City Council authorized the City Manager to enter into an agreement with the former Building Official allowing him to participate in the City's PERS service credit program in an amount not to exceed \$38,000 which will resolve his appeal pending before the Civil Service Commission.

Councilmember Benassini announced that October is National Arts and Humanities Month. The City has a number of celebrations underway including an art show in the City Hall Gallery, and a celebration on October 26 in the City Hall Plaza from 5-7 p.m. The City will debut the first of its street icons on a light pole in front of City Hall. There is also an art show and sale at the Community Center beginning on October 12.

Councilmember Cheng thanked all staff involved in the Second Annual Alberrito Street Play event and noted that it is actually the City's third street play event. The event is a great use of the City's open spaces.

Councilmember Abelson announced that the Executive Director of the West Contra Costa Transportation Advisory Committee (WCCTAC), Christina Atienza, is leaving to join the Dominican Nuns at the end of December. The WCCTAC Board, of which Councilmember Abelson is the Chair, has formed a search committee for an interim executive director. The Board is hoping to find an engineer to fill the position for approximately six months and on a month to month basis thereafter. Councilmember Abelson said the Board is very sorry to see Ms. Atienza leave.

Mayor Pro Tem Lyman announced that the St. Peters C.M.E. Church has rescheduled its candidate campaign forum from October 3 to October 17 at 7:00-8:00 p.m.

Mayor Jones thanked everyone who participated in the Tip a Cop Special Olympics fundraiser at Macaroni Grill. Mayor Jones also thanked all who attended the Strategic Plan Workshop on September 22 and advised that there will be more opportunities for input in the future. Mayor Jones also thanked Pinole-TV for broadcasting meetings and events and noted the professionalism of their work.

Karen Pinkos, Assistant City Manager, reported that City Staff met with school district staff last week and noted that meetings will become more frequent as school construction projects move along. The demolition of Portola Middle School has begun. Anyone with questions should call the West Contra Costa Unified School District at 510-231-1105.

## 3. ORAL COMMUNICATIONS FROM THE PUBLIC

Alon Ilan, El Cerrito, stated that she is one of the founders of the community organizing group, *Go Portola*. *Go Portola* has raised \$270,000 for education so far. Ms. Ilan spoke in support of the Writer Coach Connection program and asked the City Council to consider funding of the program.

Mary De Shaw, El Cerrito, spoke in support of the Writer Coach Connection and noted the importance of improving technical writing skills and building relationships.

Lynda Frank, El Cerrito, spoke in support of the Writer Coach Connection and asked the City

Council for program funding.

Ann Nutt, Albany, spoke in support of the Writer Coach Connection and described the benefits of not only the program but also the personal relationships that are established between students and their coaches.

Christine McGuinness, Communications Director for Writer Coach Connection, Berkeley, described the benefits of the Writer Coach Connection from a teacher's perspective and how the program encourages engagement.

Bobbie Ohs Dowling, Kensington, spoke in support of the Writer Coach Connection.

#### 4. PRESENTATIONS

**A. Writer Coach Connection** – *Presentation by Robert Menzimer, Executive Director, Community Alliance for Learning.*

Receive a presentation on the Writer Coach Connection Program.

**Action:** Received presentation.

#### **B. National Public Radio “NewsPoet” Tess Taylor**

Receive a presentation by National Public Radio “NewsPoet” and El Cerrito resident Tess Taylor. Approve and present a proclamation, recognizing Ms. Tess Taylor on her many accomplishments in the literary field and celebrating her contributions in the areas of both the Arts and Humanities locally and nationally.

**Action:** Ms. Taylor recited her poem “El Cerrito.” Proclamation approved and presented.

**C. Marin Clean Energy Community Choice Aggregation** – *Presentation by Dawn Weisz, Executive Director of Marin Clean Energy, and Adam Lenz, Sustainability Coordinator, City of Richmond.*

**Action:** Received presentation.

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

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

#### CITY COUNCIL ITEMS

##### **A. Minutes for Approval**

Approve the: 1) September 18, 2012 Special City Council meeting; and 2) September 22, 2012 Special City Council meeting minutes.

**Action:** Approved minutes.

##### **B. Proclamation Celebrating Arts and Humanities Month**

Approve a proclamation declaring October 2012 as Arts and Humanities Month in the City of El Cerrito and encouraging all members of the community to enrich their lives by participating in the arts, by being creative, and by supporting local arts and cultural organizations and by celebrating the arts and humanities by attending the City's Arts and Humanities Month Celebration on Friday, October 26, 2012 at City Hall.

**Action:** Approved proclamation.

### C. Conflict of Interest Code Update

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, Employee Pension Board and Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2011-54.

**Action:** Adopted Resolution No. 2012-77

### CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY ITEM

### D. Bylaws for the El Cerrito Redevelopment Agency Successor Agency and Update on Implementation of the Dissolution Act and Trailer Bill

Adopt a Successor Agency resolution approving bylaws for the Successor Agency consistent with Assembly Bill 1484 and provide an update on implementation of the Dissolution Act and Trailer Bill.

**Action:** Adopted Successor Agency Resolution No. 2012-05.

[The City Council took a brief recess.]

## 6. PUBLIC HEARING

### Appeal of the Planning Commission's Approval of a Conditional Use Permit at 11858 San Pablo Avenue

Conduct a public hearing and upon conclusion adopt a resolution denying the appeal to the Planning Commission's approval of a Conditional Use Permit to allow the re-use of a vacant auto dealership for an auto sales and auto service use located at 11858 San Pablo Avenue.

Mayor Pro Tem Lyman as liaison to Planning Commission left meeting before this item was discussed. No other contact with applicant or appellant.

Presenter: Noel Ibalio, Senior Planner.

Mayor Jones opened the public hearing.

Steve Kahn appeared on behalf of the appellant, Steve's Auto Sales.

Yi Cheng Xiao appeared on behalf of the applicant, Xiao Motors.

Speakers: None.

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

Moved, seconded (Lyman/Benassini) and carried unanimously to extend the meeting to 10:46 p.m.

**Action:** Moved, seconded (Cheng/Abelson) and carried unanimously to adopt Resolution No. 2012-78 denying the appeal and upholding the Planning Commission's approval of a Conditional Use Permit to allow the re-use of a vacant auto dealership for an auto sales and auto

service use located at 11858 San Pablo Avenue as amended on the floor to include the following two additional conditions of approval: 1) To enhance the physical separation between the two properties with appropriate visual elements to be determined by the Design Review Board; and 2) To add a condition requiring the applicant to comply with all applicable state and federal laws.

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

## 7. POLICY MATTERS

### A. Tax Anticipation Note

Adopt a resolution authorizing the City Manager to enter into an agreement with Westamerica Bank for the issuance of \$4,000,000 in Tax Anticipation Notes (TAN), and to appropriate \$17,000 for costs associated with the TAN.

Presenter: Mary Dodge, Administrative Services Director.

Action: Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2012-79 as revised by staff to include changes recommended by the Financial Advisory Board.

## 8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Jones – No report.

B. Mayor Pro Tem Lyman – No report.

C. Councilmember Abelson – No report

D. Councilmember Benassini encouraged everyone to attend the City's Arts Celebration on October 26, from 5:30 to 7:30 p.m. at City Hall.

E. Councilmember Cheng – No report

9. **ADJOURNED REGULAR CITY COUNCIL MEETING** at 10:51 p.m.

## SUPPLEMENTAL REPORTS AND COMMUNICATIONS

### Item No. 4(A) Writer Coach Connection Presentation

1. About Writer Coach Connection – *Submitted by Robert Menzimer.*
2. Video presentation – *Submitted by Robert Menzimer.*

### Item No. 4(B) National Public Radio "NewsPoet" Tess Taylor

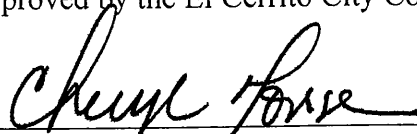
3. New California Writers – *Submitted by Tess Taylor*
4. The Forage House: Poems by Tess Taylor – *Submitted by Tess Taylor.*
5. Envisioning El Cerrito – A Vision Statement for a Sustainable Future – *Submitted by Tess Taylor*
6. Song for El Cerrito – *Submitted by Tess Taylor.*

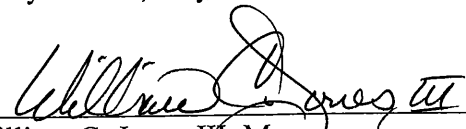
### Item No. 7(A) Tax Anticipation Note

7. Revised resolution. Redlined with new changes marked by strikethrough and underline within the text – *Submitted by Mary Dodge, Administrative Services Director.*

8. Revised resolution. Clean copy – all changes incorporated – *Submitted by Mary Dodge, Administrative Services Director.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Special City Council – Closed Session and Regular City Council meetings of October 2, 2012 as approved by the El Cerrito City Council.

  
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Cheryl Morse, City Clerk

  
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William C. Jones III, Mayor