

CITY OF EL CERRITO

SPECIAL CITY COUNCIL CLOSED SESSION MEETING

Monday, September 17, 2007 – 7:00 p.m.

Community Center Conference Room

CITY COUNCIL REGULAR MEETING

Monday, September 17, 2007 – 7:30 p.m.

City Council Chambers

Meeting Location

Council Chambers, Community Center

7007 Moeser Lane, El Cerrito

ROLL CALL

Councilmembers Abelson, Bridges, Jones, Potter and Mayor Moore.

All members present.

7:00 p.m.

CONVENE SPECIAL CITY COUNCIL CLOSED SESSION MEETING

Mayor Moore convened the special meeting at 7:04 p.m.

ANNOUNCEMENT OF CLOSED SESSION

Conference with Legal Counsel – Existing Litigation

(Subdivision (a) of Section 54956.9)

City of El Cerrito v. Albany Unified School District

Contra Costa Superior Court, Case No. N07-1266.

CONVENE SPECIAL CLOSED SESSION MEETING

ORAL COMMUNICATIONS – No speakers

ADJOURN SPECIAL CITY COUNCIL MEETING at 7:42 p.m.

ROLL CALL

Councilmembers Abelson, Bridges, Jones, Potter and Mayor Moore.

All members present.

7:30 p.m.

CONVENE CITY COUNCIL MEETING

Mayor Moore convened the meeting at 7:36 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG was led by Councilmember Potter.
2. POSSIBLE REPORT OUT OF CLOSED SESSION – No report.

3. COUNCIL / STAFF COMMUNICATIONS

1. Lance Maples, Fire Chief, announced that there will be a Tri City Safety Fair at El Cerrito Plaza on September 29, 2007 from 11:00 a.m. 3:00 p.m. and encouraged everyone to attend.

2. Mayor Moore invited all to join in the City's 90th Birthday Celebration on September 19, 2007 at the Open House Senior Center from 3:00 to 5:00 p.m. The event is part of a year long celebration to remember the past, commemorate the City's 90th Anniversary and look forward to the future. The event will also recognize and honor El Cerrito citizens aged 90 years or older.

4. PRESENTATIONS

A. Gilman Fields Joint Powers Authority Funding Request – Presentation by City of Berkley Mayor Tom Bates

Speakers: Allan Maris, former Mayor of the City of Albany and Al Miller, El Cerrito, encouraged the City Council to support authorization of contingency funds for completion of the fields.

Action: Presentation heard.

B. Acceptance of Law Enforcement Challenge Award

Speakers: Scott Kirkland, Chief of Police and Sgt. Stephen Bonini.

Action: Presentation heard.

5. ORAL COMMUNICATIONS FROM THE PUBLIC

Speakers: No general comment speakers.

6. ADOPTION OF THE CONSENT CALENDAR – Items 6A through 6F

Moved, seconded, carried (Potter/Abelson) to adopt Consent Calendar items 5A,B,D,E and F. Vote: Unanimous. Consent Calendar item 6C was removed from the Consent Calendar by Councilmember Abelson and approved by unanimous vote.

A. Gilman Fields Joint Powers Authority Funding Request

Adopt a resolution appropriating \$50,000 as contingency funds toward the completion of the Gilman Sports Fields Project.

Action: Adopted Resolution No. 2007-75.

B. Approval of Minutes

Approve the minutes of the August 20, 2007 City Council Special, Regular and Closed Session Meetings.

Action: Approved Minutes.

C. Proposed Voter Precinct Consolidation

Receive and file a communication from the Contra Costa County Elections Division regarding precinct consolidation and schedule a presentation by a representative of the County's Election Division at the Council's October 1, 2007 meeting if desired.

Speaker: Al Miller, El Cerrito, commented that changes in polling place locations cause confusion and encouraged publicizing any changes.

Action: Removed from the Consent Calendar by Councilmember Abelson. Moved, seconded, carried (Abelson/Jones) to receive and file the communication from the Contra Costa Elections Division and schedule a presentation at the City Council's October 1, 2007 meeting. Vote: Unanimous.

D. Issuance of Proclamations

1. **Proclamation Celebrating California Arts Day on October 5, 2007**
2. **Celebrating Shelter in Place Education Day on October 3, 2007** – Requested by the Contra Costa Community Awareness Emergency Response Group.

Action: Approved issuance of proclamations.

E. Authorization for Recreation Department Replacement Vehicles

Adopt a Resolution amending the FY 2007-08 Operating Budget for replacement of Recreation Department vehicles utilizing \$86,000 of the unrestricted fund balance of the Equipment Replacement Fund.

Action: Adopted Resolution No. 2007-76.

F. Quarterly Investment Report

Receive and file the City's June 30, 2007 Quarterly Investment Report.

Action: Received and Filed

7. PUBLIC HEARINGS

A. Master Fee Schedule Amendment – Street Restoration In-Lieu Fee

Conduct a public hearing and upon conclusion adopt a resolution establishing a Street Restoration In-Lieu Fee in the amount of \$500 collected at the time a permit is issued for street excavation work on slurry or cape seal moratoria streets necessitated by emergency or Stege Sanitary District Certificate of Compliance requirements with said funds being placed in a street maintenance account to be used by the city for this work.

Mayor Moore opened the public hearing.

Presenter: Jerry Bradshaw, Director of Public Works.

Speakers: Al Miller, El Cerrito expressed Stege's support of the city's efforts. Tony Wise, El Cerrito Realtor, commented that cost savings remain to be seen.

Moved, seconded, carried (Potter/Abelson) to close the public hearing. Vote: Unanimous.

Action: Moved, seconded, carried (Bridges/Abelson) to adopt Resolution No. 2007-77. Vote: Unanimous.

B. Conduct a Public Hearing to Determine if there is Evidence to Support Declaring the News Stands on San Pablo Avenue at EC Natural Foods and Church's Chicken a Public Nuisance and Require Abatement

Conduct a public hearing and upon conclusion adopt a resolution declaring specific news stand racks located within the public right-of-way along San Pablo Avenue a public nuisance and direct the City Manager or his designee to abate such public nuisance conditions.

Mayor Moore opened the public hearing.

Presenters: Bruce King, Maintenance and Engineering Services Manager, Lori Treviño, Economic Development and Redevelopment Manager and Jerry Bradshaw, Director of Public Works.

Speakers: Eliza O'Malley, El Cerrito, on behalf of the Berkeley Daily Planet, expressed concerns with the city's noticing practices and nuisance proceedings.

Moved, seconded, carried (Jones/Bridges) to close the public hearing. Vote: Unanimous.

Action: Moved, seconded, carried (Potter/Jones) to adopt Resolution No. 2007-78.

Vote: Unanimous

8. POLICY MATTERS

A. Video Surveillance Ordinance

Consider adopting first reading of an ordinance amending Title 6 of the El Cerrito Municipal Code by adding Chapter 6.90, Video Surveillance Systems and adopt a resolution establishing the minimum technical standards for video surveillance systems applicable to certain El Cerrito businesses.

Presenter: Scott Kirkland, Chief of Police

Speakers: Tony Wise, Jewelry and Loan thanked the City Manager and Police Chief for their concern for the personal safety and welfare of business owners. Mr. Wise asked the Council to consider adding a sunset clause.

Blaine Davis, Chamber of Commerce President, read a statement expressing the Chamber's endorsement of the city's proposal.

Ron Martin – General Partner of 1107 San Pablo, expressed concern that centers would pass on costs of their own surveillance as well as the center's surveillance to tenants.

Action: Moved, seconded, carried (Potter/Jones) to adopt by title only. Vote: Unanimous.

Moved, seconded, carried (Bridges/Abelson) to adopt first reading of Ordinance No. 2007-06 with Section 6.90.130 as revised by Chief Kirkland and Acting City Attorney Abbe and Section 6.90.140(B) as amended by Mayor Moore. Vote: Unanimous.

Moved, seconded, carried (Potter/Jones) to adopt Resolution No. 2007-79 establishing the minimum technical standards for video surveillance systems applicable to certain El Cerrito businesses. Vote: Unanimous.

B. Ordinance Related to Street Trench Cut Permits on Streets Resurfaced Within the Past 3 to 5 years

Adopt first reading of an ordinance amending Section 13.12.030 of the El Cerrito Municipal Code requiring restoration of a recently paved street and the authority to collect a fee for such restoration as set forth in the Master Fee Schedule.

Presenters: Jerry Bradshaw, Director of Public Works.

Speakers: Al Miller spoke about wet water flows and stated that this offered an opportunity for Stege and the City to work together to repair laterals.

Action: Moved, seconded, carried (Abelson/Potter) to adopt by title only. Vote: Unanimous
Moved, seconded, carried (Abelson/Bridges) to adopt first reading of Ordinance No. 2007-07. Vote: Unanimous.

C. Action Minutes

Approve a recommendation to authorize the City Clerk to transition from preparation of extensive summary minutes to action minutes for all televised meetings of legislative bodies convened by the City Council.

Presenter: Cheryl Morse, City Clerk

Speaker: Al Miller, El Cerrito, expressed support for Action Minutes and suggested inclusion of comments for general comment speakers and clearly recording all votes.

Action: Moved, seconded, carried (Bridges/Abelson) to approve the recommendation with direction to include a brief statement of speaker comments and clear recordation of all votes. Vote: Unanimous.

D. Citizens Bond and Oversight Committee Appointment

Appoint a member to the Citizens Bond and Oversight Committee for a term concluding October 2009.

Moved, seconded, carried (Abelson/Jones) to suspend council rules and extend the meeting to 10:40 p.m.

Moved, seconded, carried (Abelson/Jones) to suspend council rules and extend the meeting to 10:50 p.m.

Action: Moved, seconded, carried (Potter/Abelson) to appoint Liz Smith to the Citizens Bond and Oversight Committee with Councilmember Potter as an alternate until such time as a recruitment and interview for an alternate is completed. Vote: Unanimous.

9. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Moore – No report.

B. Mayor Pro Tem Jones – No report.

C. Councilmember Abelson reported on her attendance at the Annual League of Cities Conference September 5-8, 2007 in accordance with AB 1234. The new president is Councilmember Jim Madlaffer from the City of San Diego. The Vice-President is Heather Fargo, Mayor of the City of Sacramento. A number of non-controversial resolutions were

adopted at the conference, including the renewal of the grassroots program. There were a number of presentations on Climate Change. One of the keynote speakers was Greg Nickels, Mayor of Seattle and Jerry Brown, California Attorney General. John Garamendi provided an update of issues at the state level. Councilmember Abelson also reported on her attendance at sessions on Climate Change relating to what local governments can do to reduce the impacts of global warming that are also cost effective.

- D. Councilmember Bridges reported that the Human Relations Commission presented a planning timeline for the annual Martin Luther King Jr. Celebration and Parade. The Human Relations Commission also viewed the movie, "Get Real" which the Commission hopes to co-sponsor with the Portola Middle School. The HRC is also hoping to work with the Cerrito Theater on a diversity event in Spring 2008. The HRC also reviewed the EEO report.

Commander Regan provided an update on the proposed video surveillance ordinance at the Crime Prevention Committee meeting. The Committee also wrapped up National Night Out. Councilmember Bridges encouraged attendance at the Tri-Safety Day set for September 29. The Committee is also co-sponsoring an identity theft workshop with the Police Department on October 16 at the El Cerrito Senior Center at 7:00 p.m.

The Financial Advisory Board met and reviewed the investment policy and provided the Council with the following statement: "The Financial Advisory Board looked at the City's budget and agreed that there was not sufficient funds to either repair streets that are failing or to maintain streets and advised that if the Council chooses to ask the voters for funds for street repair and maintenance it was their opinion that a sales tax is more equitable than a parcel tax for residents because it spreads the costs to all users of the streets including non-residents."

- E. Councilmember Potter announced the Council's adoption of a proclamation recognizing and supporting California Arts Day which occurs on October 5th this year. The arts will be celebrated at various galleries in El Cerrito on every Friday night in October. The opening will be celebrated on October 5th at the MC Gallery and El Cerrito Lighting. Councilmember Potter invited everyone to celebrate the arts, music, dance and creativity.

COMMUNICATIONS

Item No. 7A Public Hearing – Master Fee Amendment – Street Restoration In-Lieu Fee

1. Terry Murphy, West Contra Costa Association of Realtors

Item No. 7B Public Hearing – Determine if there is Evidence to Support Declaring the News Stands on San Pablo Avenue at EC Natural Foods and Church's Chicken a Public Nuisance and Require Abatement

2. Becky O'Malley, Berkeley Daily Planet
3. Anthony Gughemetti, Auto Weekly
4. Bart Brodsky, Open Exchange Magazine
5. Gary Kidwell, Bay Area News Group East Bay

Item No. 8A Video Surveillance Ordinance

6. Cindy Bruno Frisch, The Junket

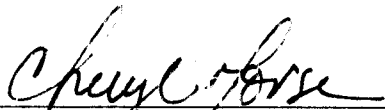
SUPPLEMENTAL COMMUNICATIONS

Item No. 6A Gilman Fields Joint Powers Authority Funding Request

7. Alan Maris, Founding Member of Sports Fields JPA, Former Mayor of Albany

10. ADJOURNED at 10:50 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed and regular meeting of September 17, 2007 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Letitia D. Moore, Mayor

