

CITY OF EL CERRITO

MINUTES

SPECIAL CITY COUNCIL MEETING

Monday, November 5, 2007 – 6:30 p.m.

City Council Chambers

SPECIAL CITY COUNCIL MEETING

Monday, November 5, 2007 – 7:10 p.m.

Community Center Conference Room

CITY COUNCIL MEETING

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City Council Chambers

Meeting Location

Council Chambers, Community Center

7007 Moeser Lane, El Cerrito

ROLL CALL

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

Absent: None

6:30 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Moore convened the special meeting at 6:30 p.m.

ORAL COMMUNICATIONS – No speakers.

ADMINISTRATION OF THE OATH OF OFFICE – FIRE DEPARTMENT BADGE CEREMONY

Fire Chief Lance Maples, Battalion Chief Michael Pigoni, and Captain/Paramedic Kevin James received promotional badges. The Oath of Office was administered to Firefighter/Paramedics David Ciappara, David Hood, and Peter Benson.

ADJOURN SPECIAL CITY COUNCIL MEETING at 6:57 p.m.

ROLL CALL

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

All members recorded as present.

7:10 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Moore convened the special meeting at 7:10 p.m.

ORAL COMMUNICATIONS – No speakers.

PARK AND RECREATION COMMISSION INTERVIEWS

The City Council will conduct interviews of applicants for a vacancy on the Park and Recreation Commission. Interviews may result in an announcement of appointment at the meeting.

ADJOURN SPECIAL CITY COUNCIL MEETING at 7:32 p.m.

ROLL CALL

Councilmembers Abelson, Bridges, Jones, Potter and Mayor Moore.
All members recorded as present.

7:30 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Moore convened the special meeting at 7:37 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Abelson.
2. **PUBLIC HEARINGS**

Appeals of the Decision of the Design Review Board's Approval of Architectural and Landscape Details for the 128 unit Creekside at El Cerrito Plaza Condominium Project, at the southeast corner of El Cerrito Plaza.

A. Staff Report

Adopt a Resolution denying the appeals and uphold the decision of the Design Review Board, approving architectural and landscape details for the Creekside project.

B. Appeals

1. **Plaza Oak Group, LLC**
2. **City of Albany**

C. Communications

Berding and Weil, LLP on behalf of Plaza Oak Group, LLC

Mayor Moore opened the public hearing.

STAFF PRESENTATION

Jennifer Carman, Planning Manager, presented the staff report.

Appellant Plaza Oak Group: Jan Kopczynsky, Counsel for Plaza Oak Group, presented Plaza Oak Group's position and stated his disagreement with the City that Plaza Oak Group had waived its concerns. Mr. Kopczynsky also expressed concerns that a parking study had not been completed and that traffic overflow would occur in residential streets.

Appellant City of Albany: Mayor Robert Lieber introduced the Albany City Council who cancelled its regular meeting to attend this evening's public hearing. Mr. Lieber expressed concerns about traffic and safety issues with pedestrians due to poor design and noted the possible closure of streets.

Applicant Garlock & Company, George Eshoo: said he has attended each hearing and stated that the issues before the Council as part of the appeal this evening were not part of the September 2007 DRB meeting and are not appealable issues. Mr. Eshoo stated that the City of Albany should have attended hearings and filed timely appeals of the issues at the time they were raised.

Speakers: Peter Loubal, El Cerrito, expressed opposition to the project and displeasure with the City Council.

Lisa Schneider, Albany, expressed concerns about traffic and safety.

Preston Jordan, Albany, stated that he was interested to know that the municipal code addresses circulation and expressed concerns with the calculation and application of net acreage.

J. William Pezick, tenant of Plaza Profession Building, expressed concerns about traffic, congestion and safety within the El Cerrito Plaza.

Michael Green, Albany, expressed resident safety concerns in the neighborhood, gridlock on residential streets and asked the Council to practice kindness.

Eleanor Moses, Albany, stated that development of the Plaza has impacted quality of life in the neighborhoods. Ms. Moses expressed opposition to the project.

APPLICANT REBUTTAL

Mr. Eshoo, Garlock & Company, stated that the City of Albany wished to open all issues.

APPELLANT REBUTTALS:

Mr. Kopczynsky, Counsel for Plaza Oak Group explained the filing of appeal documentation and stated that he did not have the traffic study.

Mayor Lieber, representing City of Albany, stated that the City had been timely in filing its appeal documentation and expressed concerns with traffic.

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

COUNCIL DISCUSSION: The City Council engaged in discussions with staff, the applicant and appellants to clarify points of the appeal.

Action: Moved, seconded, carried (Bridges/Abelson) to adopt Resolution No. 2007-84 as amended, to deny the appeals of Plaza Oak Group, LLC and the City of Albany and uphold the decision of the Design Review Board, approving architectural and landscape details for the 128 unit Creekside at El Cerrito Plaza Condominium Project, at the southeast corner of El Cerrito Plaza.

3. **COUNCIL / STAFF COMMUNICATIONS**

Karen Pinkos, Assistant City Manager, reported on the Portola Middle School relocation issue.

Mayor Pro Tem Jones, reported on the city's recent issuance of an Amber Alert. The baby was safely recovered within 45 minutes. Mayor Pro Tem Jones commented on the fine work of the

Police Department and on how important and effective communication systems are. Additionally, El Cerrito sent a workforce and equipment to the fires in Southern California and Mayor Pro Tem Jones stressed the importance of assisting in disaster situations. The "After School Lights On" Program was a great success. Lastly, one neighborhood group asked for reconsideration on placement of a T-Mobile cell tower and suggested a better position in terms of aesthetics near the street.

Councilmember Abelson announced the appointment of Monish Doshi to the Parks and Recreation Commission for a term ending January 1, 2009. Councilmember Abelson also reported in accordance with AB 1234, on her recent attendance at the Mayors Conference in Seattle and the Conference's advancement of the goals of the Kyoto Protocol. Mayors who have signed on represent 25% of the population of the United States. Speakers included Bill Clinton, Al Gore and the Mayors of Los Angeles, New York, Sacramento, Milwaukee, and Berkeley. Councilmember Abelson stated that the easiest thing one can do to reduce global warming is to swap out incandescent bulbs with fluorescent bulbs.

4. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Re-ordered to the beginning of the agenda at the request of the Mayor.

Jane Bartolomech, El Cerrito, expressed concerns about the placement of children of Portola School.

Al Miller, El Cerrito, reported on Art Schroeder Day and recommended expansion of the next Art Shroeder Day to include the Wall of Fame Day.

Greg Lyman, El Cerrito, commented on the value of maintaining a middle school in El Cerrito.

5. **ADOPTION OF THE CONSENT CALENDAR – Items 5A through 5F**

Moved, seconded, carried (Abelson/Bridges) to adopt Consent Calendar Items 5A through 5F. Vote: Unanimous

A. Approval of Minutes

Approve the October 15, 2007 Special Concurrent City Council/Redevelopment Agency Closed Session Meeting, Regular City Council Meeting and Special City Council Closed Session minutes.

Action: Approved minutes.

B. Destruction of City Records

Adopt a Resolution authorizing the destruction of city records in accordance with the city's records retention schedule.

Action: Adopted Resolution No. 2007-85.

C. University of California Young Musicians' Program Proclamation

Approve a proclamation recognizing the outstanding academic achievement of El Cerrito's citizen, Ms. Donna Wing Chung and proclaiming November 28, 2007 as the Chancellor's 4.0 Club Day in the City of El Cerrito with Ms. Donna Wing Chung as its shining representative for our community.

Action: Approved proclamation.

D. Amendment to Contract with Richards, Watson & Gershon and Designation of City Attorney

Adopt a resolution designating Alexander Abbe as the City Attorney for El Cerrito and authorizing the City Manager to execute an amendment to the contract with Richards, Watson & Gershon for City Attorney services.

Action: Adopted Resolution No. 2007-86.

E. Project Manager / Senior Project Manager Classification

Adopt a Resolution amending the City's Classification Plan, to add the job description for Project Manager/Senior Project Manager and amend Resolution 2006-52 to set the appropriate salary and benefits.

Action: Adopted Resolution No. 2007-87.

F. Quarterly Investment Report

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

Action: Received and filed.

6. POLICY MATTERS

A. Amendment of the Solid Waste Ordinance

Adopt first reading of an ordinance amending Chapter 8.12, Collection and Disposal of Waste Stream, of the El Cerrito Municipal Code as shown in the attached document and schedule a second reading to be held on November 19, 2007. (ACTION: Approve by Title – Voice Vote; 2) Adopt First Reading – Roll Call Vote)

Presenter: Heather Abrams, Integrated Waste Management Services Manager, described this item as primarily a clean-up item.

Action: Moved, seconded, carried (Abelson/Potter) to approve by title, Ordinance No. 2007-08 by voice vote. Vote: Unanimous

Moved, seconded, carried (Abelson/Potter) to approve first reading of Ordinance No. 2007-08 by roll call vote, as amended by Mayor Moore to eliminate litter from the ordinance text and as amended by Councilmember Potter to further refine the definition of "sharps."

Vote: Unanimous

B. February 2008 Sales Tax Ballot Measure for City Pothole Repair and Local Street Improvements and Maintenance

Adopt a Resolution of the City Council of the City of El Cerrito:

- 1) Calling for a Special Municipal Election to be consolidated with the Statewide Presidential Primary to be held on February 5, 2008;
- 2) Approving an Ordinance (Exhibit A to the Resolution) establishing a one-half cent sales tax increase for the repair of potholes and improvement and maintenance of city streets, which would be effective only if adopted by a two-thirds vote of the El Cerrito electorate;

- 3) Submitting to the El Cerrito electorate a measure to adopt the Ordinance establishing a one-half cent sales tax increase for the repair of potholes and improvement and maintenance of city streets; and
- 4) Requesting that the Contra Costa Board of Supervisors consent to the consolidation of this election with the statewide primary election to be held on the same date.

Presenters: Scott Hanin, City Manager, Jerry Bradshaw, Public Works Director, Jessica Reynolds, Lew Edwards Group, and Brian Godbe, Godbe Research.

Moved, seconded, carried (Abelson/Jones) to suspend council rules and extend the meeting to 10:45 p.m.

Speakers: Al Miller, El Cerrito, expressed support for the streets sales tax ballot measure.

Moved, seconded carried (Jones/Bridges) to suspend council rules and extend the meeting to 11:00 p.m.

Ken Berndt, El Cerrito, commented that the survey should include cost data. Mr. Berndt asked why money used for the City Hall couldn't have been used for streets.

Greg Lyman, El Cerrito, encouraged the City Council to adopt the resolution and place the street measure on the ballot.

Jay Clark, El Cerrito, encouraged the City Council to adopt the resolution and place the streets measure on the ballot.

Thomas Miller, El Cerrito, expressed his support for improved city streets and stated he would like to see residential streets receive priority treatment.

Peter Loubal, El Cerrito, stated that he does not oppose the tax.

Action: Moved, seconded, carried (Potter/Bridges) to adopt Resolution No. 2007-88 as amended to designate Mayor Pro Tem Jones and Councilmember Abelson to submit a ballot measure in favor of the measure on or before November 16, 2007. Vote: Unanimous.

Moved, seconded, carried (Abelson/Jones) to suspend Council rules and extend the meeting to 11:05 p.m.

7. 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 joint meeting of ABAG and MTC on transportation. Climate change was a significant part of the meeting as 50% of the carbon footprint in the Bay Area is due to transportation. Councilmember Abelson also announced a meeting of the San Pablo Area Specific Plan Committee on November 8 from 6 to 9 p.m. at the Community Center.
- D. Councilmember Bridges – No report.

E. Councilmember Potter – No report.

COMMUNICATIONS

Item No. 2 Appeals of the Decision of the Design Review Board's Approval of Architectural and Landscape Details for the 128 unit Creekside at El Cerrito Plaza Condominium Project, at the southeast corner of El Cerrito Plaza

1. J. William Pezick

Item No. 6B February 2008 Sales Tax Ballot Measure for City Pothole Repair and Local Street Improvements and Maintenance

2. Karen and Roddy Lee
3. Joann Steck-Bayat

Non Agenda Item – Castro School and Park

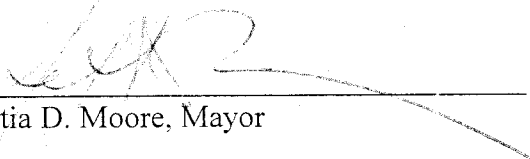
4. Barbara Peters
5. Bonnie Goltz Reiser
6. Teresa, Ron and Theodore Albro
7. Issac & Miasha Gonzalez
8. Milford Brown
9. Joy and Rick Gray
10. Stacy Taylor and Robert Epstein
11. John Ettinger
12. Mayachela Garcia
13. Karen Jewell and Esteban Elices
14. Carol Ballanti
15. Maggie Pennington
16. Karen Pinkos, Assistant City Manager, Response

8. **ADJOURNED** at 11:03 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular meetings of November 5, 2007 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Letitia D. Moore, Mayor

