

CITY OF EL CERRITO

MINUTES

SPECIAL CITY COUNCIL MEETING

Monday, November 19, 2007 -- 6:30 p.m.

Community Center Conference Room

CONCURRENT CITY COUNCIL/REDEVELOPMENT REGULAR MEETING

Monday, November 19, 2007 -- 7:30 p.m.

City Council Chambers

Meeting Location

Council Chambers, Community Center

7007 Moeser Lane, El Cerrito

ROLL CALL

Present: Abelson, Jones (arrived 7:00 p.m.), Potter and Mayor Moore.

Absent: Councilmember Bridges

6:30 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Moore convened the special city council meeting at 6:33 p.m.

ORAL COMMUNICATIONS – No speakers.

DESIGN REVIEW BOARD INTERVIEWS

The City Council will conduct interviews of applicants for a vacancy on the Design Review Board. Interviews may result in an announcement of appointment at the meeting.

ADJOURN SPECIAL CITY COUNCIL MEETING at 7:33 p.m.

ROLL CALL

Present: Abelson, Jones, Potter and Mayor Moore

Absent: Councilmember Bridges

7:30 p.m.

CONVENE CONCURRENT CITY COUNCIL/REDEVELOPMENT MEETING

Mayor Moore convened the concurrent City Council/Redevelopment meeting at 7:40 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Mayor Pro Tem Jones.
2. **COUNCIL / STAFF COMMUNICATIONS**

Alexander Abbe, City Attorney, reported that he and Councilmember Potter attended a settlement conference regarding Cougar Field which is scheduled for discussion at a closed session on December 3, 2007.

Councilmember Abelson reported that she has been attending many climate protection conferences and noted that El Cerrito is doing many positive things in the fight against climate change. Councilmember Abelson suggested formation of a citizens committee for a future agenda to promote environmental education and activities such as swapping out incandescent bulbs with fluorescent bulbs and energy education. Councilmember Abelson suggested that this group might conduct energy audits with dual benefits to reduce carbon emissions and save the homeowner money. Councilmember Abelson requested that staff agendaize the formation of an environmental or climate protection committee to include a Council subcommittee to develop an outline of committee activities.

Mayor Moore read a letter she received from the City of Poway expressing appreciation to the El Cerrito Fire Department for its dedicated service during the recent firestorm in Southern California, particularly the Department's protection of a school and the community.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Peter Loubal, El Cerrito, said he welcomed Councilmember Abelson's ideas for a Climate Protection Committee and discussed the city's carbon footprint. Mr. Loubal urged the Council to look at the carbon footprint of the El Cerrito Plaza housing project, the Olson project, and the San Pablo Avenue Specific Area Plan efforts.

4. ADOPTION OF THE CONSENT CALENDAR – Items 4A through 4K

Moved, seconded, carried (Potter/Jones; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to approve Consent Calendar items 4A, 4B, 4C, 4D, 4E, 4G, 4H, and 4I in one motion. Consent Calendar items 4F, 4J were removed from the Consent Calendar by Councilmember Abelson and voted on as indicated. Consent Calendar 4K was voted on by separate motion as indicated.

CITY COUNCIL ITEMS

A. Ordinance for Second Reading – Amendment of the Solid Waste Ordinance

(First Reading November 5, 2007. Vote: Unanimous)

Adopt second reading of Ordinance 2007–08 amending Chapter 8.12 of the El Cerrito Municipal Code, Collection and Disposal of Waste Stream.

Action: Adopted Ordinance No. 2007–08.

B. Special Sales Tax Measure Election

Adopt a resolution conducting second reading and approval of 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 to be effective only if adopted by a two-thirds vote of the El Cerrito electorate.

Speaker: Peter Loubal, El Cerrito, commented on the street sales tax measure and expressed his support for the tax.

Action: Adopted Resolution No. 2007–89.

C. Approval of Minutes

Approve the minutes of the November 5, 2007 City Council Special and Regular Meetings.

Action: Approved minutes.

D. Issuance of Proclamation – National Pearl Harbor Day

Approve issuance of a proclamation declaring December 7, 2007 as Pearl Harbor Remembrance Day and commemorating December 7 as the sixty-sixth anniversary of the attack on Pearl Harbor.

Action: Approved issuance of Pearl Harbor Remembrance Day Proclamation.

E. City Hall LEED Commissioning Agent

Adopt a resolution authorizing the City Manager to execute an amendment to a consultant services contract with Taylor Engineering, LLC in the amount of \$7,000 for performing the LEED Commissioning for the new City Hall building.

Action: Adopted Resolution No. 2007–90.

F. I-80 Integrated Corridor Mobility Project

Adopt a resolution supporting the I-80 Integrated Corridor Mobility (ICM) Project, project concept and funding plan, in substantial form.

Action: Removed from the Consent Calendar by Councilmember Abelson for the purposes of commenting on the item. Moved, seconded, carried (Abelson/Jones; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to adopt Resolution No. 2007–91.

G. Grant Funding Request for Street Tree Planting

Adopt a resolution approving the submittal of an Environmental Enhancement and Mitigation Program (EEMP) grant funding application in the amount of \$160,000 for the installation of street trees throughout the City.

Speaker: Al Miller, El Cerrito, asked that the Stege Sanitary District be included in any tree planning so risks to lateral sewers are minimized.

Action: Adopted Resolution No. 2007–92.

H. Consultant Project Management and Construction Inspection Services Contract Amendments

Adopt a resolution authorizing the City Manager to execute contract amendments with Cole Management Engineering in an amount not to exceed \$170,000 and Avila Project Management in an amount not to exceed \$60,000 and to approve change orders not to exceed \$23,000.

Action: Adopted Resolution No. 2007–93.

I. Claims Filed Against the City

1. Octavio Corinque – Reject Claim No. GL–007815 per claims administrator.
2. El Cerrito Christian Center – Reject Claim No. GL–007819 per claims administrator.
3. Keith Kaste – Reject Claim No. GL–007843 per claims administrator.
4. Charles E. Weaver – Reject Claim No. GL–007817 per claims administrator.

Action: Rejected Claim Nos. GL–007815, 007819, 007843, 007817 per claims administrator.

J. Reaffirm Support for California Universal Healthcare –SB 840

Authorize the Mayor to send a letter to California Senator Sheila Kuehl affirming the City Council's support of California Senate Bill 840, the California Health Insurance Reliability Act.

Rose Lernberg, El Cerrito, expressed her concerns with the state of healthcare in the county and her support for SB 840.

Al Miller, El Cerrito, expressed his support for SB 840.

Betty Brown, El Cerrito, representing CC Chapter of Healthcare for California and the League of Women Voters, expressed support for SB 840.

Action: Removed from the Consent Calendar by Councilmember Abelson who expressed support for the item. Moved, seconded, carried (Abelson/Potter; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to approve a recommendation authorizing the Mayor to send a letter to Senator Kuehl.

REDEVELOPMENT AGENCY ITEM

K. Demolition of 11335-11341 San Pablo Avenue

Adopt a resolution that includes the following actions:

1. Accept bids, and authorize the Executive Director to execute a contract in the amount of \$71,800 with Nolte Environmental & Demolition Inc. for the demolition of the Agency-owned building located at 11335-11341 San Pablo Avenue.
2. Authorize the Executive Director to approve change orders or additional contracts for unforeseen conditions on this project in an amount not to exceed \$10,000.

Action: Moved, seconded, carried (Abelson/Potter Ayes – Agency Members Jones, Potter, Moore and Chairperson Abelson; Noes – None; Absent – Agency Member Bridges) to adopt Agency Resolution No. 572.

5. PUBLIC HEARING

A. Nuisance abatement of News Racks on San Pablo Avenue at El Cerrito Natural Grocery Company and Church's Chicken

1. Review the Cost Report issued by the Public Works Department.
2. Conduct a public hearing to determine that the costs contained in the Cost Report are correct and reasonable and hear any objections or protests from the news rack owners liable for assessment of costs associated with abatement.
3. Adopt a resolution:
 - a. Finding that the costs contained in the Cost Report are correct and reasonable; and
 - b. Identifying the person or persons responsible for creating, committing, causing, or maintaining the nuisance and setting forth the sum for which this person or persons is or are individually or jointly liable.

Presenter: Bruce King, Maintenance and Engineering Services Manager, Public Works Department.

The Mayor opened the public hearing. No speakers.

Moved, seconded, carried (Jones/Abelson; Ayes -- Councilmembers Abelson, Jones, Potter and Mayor Moore; Noes -- None; Absent -- Bridges) to close the public hearing.

Action: Moved, seconded, carried (Abelson/Jones; Ayes -- Councilmembers Abelson, Jones, Potter and Mayor Moore; Noes -- None; Absent -- Bridges) to adopt Resolution No. 2007-94.

6. POLICY MATTERS

A. Adoption, with Local Modifications, of the 2007 California Building & Fire Codes and Related Uniform Construction Codes

1. Adopt a Resolution which makes findings justifying changes or modifications due to local climatic, geologic and topographic conditions, in the 2007 California Building Standards Code, which includes the Fire Code.

2. Adopt first reading of an Ordinance which adopts the 2007 California Building, Fire, Plumbing, Mechanical, Electrical, Building Conservation, and related uniform construction codes, and the State Housing Law Regulations as codes applicable to all construction within the City of El Cerrito, with local modifications as highlighted in the Ordinance.

(ACTION: 1) Approve by Title -- Voice Vote; 2) Adopt First Reading -- Roll Call Vote)

Presenters: Brian Fenty, Building Official and Michael Bond, Fire Prevention Officer.

Speaker: Al Miller, El Cerrito, expressed support for an updated building and fire code and asked the Council to initiate a similar action to consider adding more stringent standards in the building code for earthquake retrofitting.

Action: Moved, seconded, carried (Jones/Abelson; Ayes -- Councilmembers Abelson, Jones, Potter and Mayor Moore; Noes -- None; Absent -- Bridges) to adopt Resolution No. 2007-95 and set a public hearing for December 17, 2007.

Moved, seconded, carried (Potter/Jones; Ayes -- Abelson, Jones, Potter and Mayor Moore; Noes -- None; Absent -- Councilmember Bridges) to approve by title, waive further reading and adopt first reading of Ordinance No. 2007-10.

B. Boards, Commission and Committee Policy Revisions

1. Adopt first reading of an ordinance amending Section 2.04 of the El Cerrito Municipal Code concerning rules governing boards, commissions, and committees; (ACTION: 1) Approve Ordinances by Title -- Voice Vote; 2) Adopt First Reading -- Roll Call Vote)

2. Adopt first reading of an ordinance amending El Cerrito Municipal Code Section 2.04.240 -- Park and Recreation Commission, Section 2.04.270 -- Human Relations Commission, and Section 2.04.290 -- Economic Development Board to reflect administrative changes. (ACTION: 1) Approve Ordinances by Title -- Voice Vote; 2) Adopt First Reading -- Roll Call Vote)

3. Adopt a resolution establishing a Tree Committee.

4. Adopt first reading of an ordinance repealing El Cerrito Municipal Code Section 2.04.260, Tree Commission. (ACTION: 1) Approve Ordinances by Title – Voice Vote; 2) Adopt First Reading – Roll Call Vote)

5. Adopt a resolution excusing the Recycling Services Task Force, thanking them for their service.

Presenter: Karen Pinkos, Assistant City Manager.

Speakers: Peter Loubal, El Cerrito, stated that boards and commissions should be broadly representative of the public at large and suggested that the Parks and Recreation Commission discuss and meet jointly with the Tree Commission.

Al Miller, El Cerrito, suggested that planting trees be undertaken in consultation with utilities and that the rules explicitly state that committees follow the Brown Act.

Action: 1) Moved, seconded, carried (Abelson/Potter; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to approve by title, waive further reading and adopt first reading of Ordinance No. 2007–11 amending Section 2.04.220 of the El Cerrito Municipal Code concerning Boards, Commissions and Committees with Section 2.04.220.4(b) as amended by Mayor Pro Tem and Councilmember Potter to delete the word “medical” and extend leave for unforeseeable and unavoidable circumstances to 120 days and Section 2.04.220(10) as amended on the floor to include compliance with the Brown Act.

2) Moved, seconded, carried (Jones/Potter; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to adopt by title, waive further reading and adopt first reading of Ordinance No. 2007–12 amending El Cerrito Municipal Code Section 2.04.240 – Park and Recreation Commission as amended by Mayor Pro Tem Jones to include the wording “within the boundaries of parks...,” Section 2.04.270 – Human Relations Commission, and Section 2.04.290 – Economic Development Board to reflect administrative changes.

3) Moved, seconded, carried (Potter/Abelson; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to adopt Resolution No. 2007–96 as amended by Councilmember Potter and Mayor Moore to add additional language regarding educating the public about hazards of above ground and underground utilities and the planting of tree species to prevent such hazards.

4) Moved, seconded, carried (Abelson /Potter; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to adopt by title only.

Moved, seconded, carried (Abelson /Potter; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to waive further reading and adopt first reading of Ordinance No. 2007–13 repealing El Cerrito Municipal Code Section 2.04.260, Tree Commission.

5) Moved, seconded, carried (Abelson /Jones; Ayes – Abelson, Jones, Potter and Mayor Moore; Noes – None; Absent – Councilmember Bridges) to adopt Resolution No. 2007–97.

7. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Moore Assignments – No report.
- B. Mayor Pro Tem Jones Assignments – No report.
- C. Councilmember Abelson reported on a meeting of the East Bay Division of the California Cities in which she was elected to the Executive Committee of the East Bay Division representing Contra Costa County. At the meeting, David Stark from the Bay East Association of Realtors, made an interesting presentation regarding impacts of non-conventional loans. Councilmember Abelson also reported on her attendance at the ABAG General Assembly which was combined with a meeting of the MTC and the discussion on climate protection and five targets related to the regional transportation plan. Councilmember Abelson also reported that there have been meetings of the San Pablo Avenue Specific Area Plan Committee and the Committee will be meeting again after the first of the year.
- D. Councilmember Bridges Assignments – No report – Absent.
- E. Councilmember Potter Assignments – No Report.


COMMUNICATIONS

4(I)(2). Claims Filed Against the City El Cerrito Christian Center

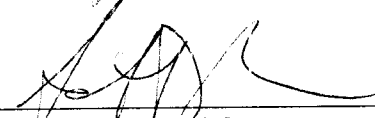
- 1. Public Works Department Memorandum

8. ADJOURNED at 10:03 p.m.

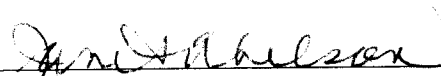
This is to certify that the foregoing is a true and correct copy of the minutes of the concurrent City Council and Redevelopment Agency meeting of November 19, 2007 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency



Letitia D. Moore, Mayor



Janet Abelson, Agency Chair

